

RECORD OF PROCEEDINGS

Minutes of

Meeting

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

Held

October 21

20

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**Etna Township, Licking County
Etna Township Board of Trustees
Regular Meeting
October 21, 2025, At 6:00 P.M.**

The Etna Township Board of Trustees met in the Etna Township Hall, 81 Liberty Street, Etna, Ohio 43018 for the purpose of conducting a regular meeting. The meeting was called to order at 6:00 p.m. by Gary Burkholder.

Trustees Present: Mark Evans, Gary Burkholder, Rozland McKee-Flax

Also in Attendance: Jackie Cotugno, Fiscal Officer

I. Opening

- a. Call to Order b. Roll call c. Invocation: Staci Kitchen d. Pledge of allegiance

II. Adoption of Agenda

Moved by: Gary Burkholder to approve the agenda as presented

Second by: Rozland McKee-Flax

Trustee Evans noted that agenda was late getting out and there were several items not on the agenda: secretarial/administrative assistant positions, interim support, planner position, regulation of equipment, standard operating procedures (SOP), BZA nonsupport & emails, prosecutor opinions, public records requests, passwords, keys, office improvement, comprehensive plan workshop, pipeline work hours, meeting minutes, and recordings.

Yes: Gary Burkholder, Rozland McKee-Flax

No: Mark Evans

Carried 2-1

III. Adoption of Meeting Minutes

- a. August 19, 2025, meeting minutes

Moved by: Gary Burkholder to table the August 19, 2025, minutes until the next meeting

Second by: Rozland McKee-Flax

Yes: Mark Evans, Gary Burkholder, Rozland McKee-Flax

Carried 3-0

IV. Legal Update with Bricker and Graydon Law firm-Maximilian Ungerman Esq.

Mr. Ungerman shared that he was assisting the township with the economic development plan that was passed by the prior board of trustees in 2020-2021. Some of the terms in the agreements are not favorable to the township in terms of the percentage (%) of the split of the TIF and funds that would come to the township. Another concern is DTE 24 of which 2 have not been filed and some of the TIFs are a priority compared to others. The trustees were provided with a document showing the breakdown of our concerns and a projection for the Langel TIF to show the limited funds to improve the park, overall surroundings of the park, sidewalks, lighting, signs, etc. My focus here today is to review the information provided and answer any questions and provide some guidance going forward. Trustee Burkholder reported that there are TIFs that have not been filed and submitted, and we are anticipating a request by the developer to file the Langel TIF that has an impact on the township. Trustee McKee noted that in 20-21 legislation was passed by the township and agreed upon, to combine a few of the TIFs with the JEDDs. Some are filed as CRAs, but the larger ones are JEDDS and tied to the township.

Mr. Ungerman asked the board how much the township contributes to the developer vs expenses which can drive the percentage (%) point. The prior board expectation was that the developer was going to do most of the work and the funds generated would go to the township. Trustee Evans pointed out that the TIF for Drayton Hall is paying for the sewer lines, parking, lighting, signs, etc., except for the building which seems to be the developer's costs and not the township. At the time, getting 10% as opposed to 25% is a concern and in all probability, the

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township only receives 8% of the real estate tax base. Mr. Ungerman Esq. believes that there may be an issue with the roads and the township's expense contribution. If the developer wanted to put their TIF and funds toward the road, it would benefit the township. You will note that everything in exhibit B of the Langel/Drayton Hall TIF agreements require public improvements to include everything from State Route 310, Ashley Drive, and the park district, including water/sewage, lighting, sidewalks, etc.

Mr. Ungerman reported that all the items mentioned are compiled in the exhibit with improvements that could be made if we received a number from them today regarding the DTE-24, and what they would expect to be paid out of the TIF by the township. The number they provide would be added into the projections, providing the township with an update on what to expect in a "split" and or renegotiation, and possibly getting a 30/40 split throughout the life of the TIF and not just in the first 5 years. We could also put a "cap" on the developer thereby stopping them at a certain point and not continue to feed them as they keep making improvements. At some point, the township may want to take over when it gets to a higher level, and we assume control after the cap. Another option is to "sweeten the pot" which is to extend the TIF by going to developer and offering a 30 year 100%, thereby making the schools and fire districts whole and generate a compensation agreement that they would pay for everything they have done regardless of the TIF. Mr. Ungerman shared that there may also be some points that the developer missed in the agreements that should have been made in 20-22 and may have missed their chance now that it's in the township's hands, even though they still own the property. The township may be asked to complete the items they missed if we filed the paperwork before the property is turned over to the township. Many of the applications are property-owner driven and the language of the application is at the request of the developer and something they would want to correct on their end. Trustee Evans commented on the TIFs that have not been filed due to DTE 24 and is the situation the same with every application or can file the application themselves.

Mr. Ungerman noted it would depend on whether it's still owned by the developer, split or transferred and if any of these did occur, we may want to renegotiate some of the TIFs with the possibility that there was a year that they missed by not filing. They would get that back because of the renegotiation, which is an opportunity for them overall. The question of whether we can stop it, nullify it, or renegotiate with more favorable terms, however by not filing will open the possibility of a lawsuit for a reliance issue, breach of contract, etc. If we do file, the township does not have any obligation to build, make or appoint any improvements even if we are in year 7, we would be at 10% which is better than nothing.

Trustee Burkholder invited Mr. Ungerman here tonight because these are complicated economic tools and several items need to be discussed in public that are incorrect. As an example, this TIF has not been filed, no funds diverted, and they are aware that they will have to pay taxes of which will need to be brought before the public. In the agreement, the township must build the second half of Ashley River Drive that is estimated to cost \$400-\$500 thousand, and the agreement is that the second half would fall on the taxpayers of Etna Township. This will require legal counsel's advice on whether we can renegotiate and not have to spend the funds required for the public road improvement. Trustee Burkholder provided an explanation of 10 year/75 percent that pertains to the original value which was listed as agricultural, and the school gets the tax on (25% of the value appreciated; 10 years and only 75%) Mr. Ungerman shared that the 10/75 is a TIF by right of the Ohio Revised Code which require the school district's consent. This typically gets into a full compensation agreement with the schools to be made whole. With the 10/75 TIF by right you need to provide notice to the schools that the township is moving in this direction. Whereas the year in which the resolution is passed it acts as a "face year" that will freeze the tax and essentially its agricultural or land and the TIF would capture the increase in assessed values once the DTE 24 is filed. The auditor will then assess the building improvements on the property and that will apply to 75% of the increase in value.

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The remaining 25% will be processed as normal value for the schools. If everything is processed normal real estate tax on property, it's 75% of that increase. There is still that "face frozen" area that still processing, but the 75% improvements will be diverted into the TIF fund.

V. Public Comments: (limit 3 minutes per person)

Unknown Female - Regarding the 5, 10, 15, year TIFs; 75%-25%, or 30 year 70%-30%, wouldn't the land be work more than the building and is that calculated in the 25% that the schools would get? And, as a landowner and taxpayer, and consumer, what actual amount is going to schools and can they be renewed. Mr. Ungerman reported that yes, they can be renewed, extended, etc. The developer would pull from the 75% amount of the TIF, and they would need to be reimbursed by submitting a request for reimbursement. They are then paid separate from taxes called "pilot payments" or payments in lieu of taxes that will be made per the agreement. The county will have a TIF fund, return the funds to the township and the township will disperse the funds to the schools, township expenses, etc. Currently, nothing is going to the schools and there are no caps. Ideally the developer would have submitted development expected costs and based on the zoning numbers you may want to put a cap on them whether in renegotiation or on future TIFS.

Christy, Runkle Drive - We submitted a records request to the developers requesting information on the changes made by the developers and PMUD and want to know if you are aware of what the modifications and development changes are? Also, what is the process after the changes goes through the zoning commission, if they approved or denied the changes, and what the next step. Trustee Burkholder noted that this matter was on the agenda and that it would be addressed at that time. Trustee McKee reported that she had spoken with the fire board and that the fire board would be following the existing code requirements.

Tia Raver Zimmerman 9305 Summit Road - Commented that her questions from the last meeting had not been addressed and why do the trustees suggest sending emails when they don't respond to them. What is the required number of votes by the board for approvals or denials? Ms. Raver noted that the developers are getting TIFs for their developments, but I'd like for anyone to try and get a wheelchair up steps, through the doorway, hallways, bathrooms, as nothing is handicapped accessible. At the last zoning meeting assisted living was brought up and we should be aware of the ADA requirements. She asked about the purpose of a park with no restrooms, accessible drinking water, and pathways for mothers with strollers.

Ryan Davis 8807 Watkins Road - Shared that he appreciated Trustee Burkholder for putting the workshop together, including the Board of Zoning Appeals (BZA) and NCA, sharing with others on what's happening in the township. Trustee Burkholder presented the High Point Park matter to the BZA and it was approved.

John Kenard 10785 Palmer Road - Shared these thoughts on the current candidates running for trustee in the township, and why anyone would want to work here with the constant negativity and verbal accusations made by a current board trustee.

John Carlisle 6767 Palmer Road - Commented on the Scannell retaining wall that Trustee Evans had brought up at a prior meeting. Mr. Carlisle recommend that on the original drawing submitted to the trustees in June 2020, on the 2nd page the sound barrier (wall) was placed in September 2020, and the buffer was 20 feet east of the property line. The sound barrier wall was to be installed 30 feet east of the property line and that LCPC

moved the wall because the water & sewer district needed a 30-foot easement for their sanitary sewer. Regarding the TIFs, it's obvious that Trustee Evans knows very little about them based on his questions here tonight.

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Alecia Zacher 79 Trail East - Shared a recording of Trustee Evans speaking the night before an election meeting suggesting that the community should vote for Gary Burkholder as a trustee of the board because he was the only one capable of getting things done and will keep the township on track. Since then, he's complained about Trustee Burkholder and how the township is being managed.

Jon Hanson 51 Ridgewood Drive – Shared how ironic it was for Trustee Evans' to talk about stability within the township when he's part of the problem. The community should look at Trustee Evans' personal life, his constant complaints about the staff, and how the township is currently managed; His service as township president for 4 months in 2022 and removal for misappropriating taxpayers' funds to investigate John Carlisle; Trustee Evans obstructs progress, creates divisions among individuals, within the community, township staff, and verbally/socially attacks his opponents; He appeared in court on September 4, 2024, and admitted to damaging another person's reputation and cost the township \$27,069; On February 2, 2023, he accessed another employee's computer to remove documents and inspected her personal emails; On October 7, 2025, he informed me that he had forwarded my records request for his email messages to outside counsel. The township has spent \$10,000 to block a legal case and \$2,600 in one day for the review of emails by counsel.

Trustee Evans' has a history of not getting along with others, impedes progress, bullied 8 prior township employees, but then says he advocated for hiring of staff. Trustee Evans' makes every attempt to pose himself as the only solution when in he is the problem.

VI. Reports

a. Zoning – Cumberland Estates PMUD Modification and Final Development Plan Trustee Burkholder reported that the zoning for the emergency access road was to allow for grass and pavers going from Russel, North to Cumberland Estates. The modification was changed by the fire district to handle the load weight of their trucks, thereby requiring the road be constructed of concrete or asphalt. The question of whether the PMUD zoning would consider a minor modification or would the zoning inspector need to be involved. We have discussed this with our attorneys, and it was suggested that the matter be taken back to the zoning commission and consider any other possible options by the fire district. If taken back to the zoning commission and a unanimous decision is made, it will be sent back to the township trustees. Trustee McKee shared that Chief Treinish and Fire Marshal White have reviewed this matter, and an asphalt or concrete road is the recommendation. Trustee Evans' asked a request for modification changes to be submitted to the township within the specified period. Trustee Burkholder reported that a modification request was not submitted, but the final development plans were filed. It was recommended that review of the final development plans would be warranted to determine what, if any, modifications were made. Trustee Evans shared that if you look at the document, the PMUD zoning text is not a part of the development plan and therefore needs rezoned and not a development change. Mike Shannon, Esq., the attorney for the previous developer, the Robert Wiler Company and the applicant, final development plans were submitted and noted minor deviations that were requested. I appreciate the trustees and leadership for involving outside legal counsel and am looking forward to future discussion.

Trustee Burkholder shared that Bricker and Graydon will be representing Etna Township at the Licking County Planning Commission on October 27, 2025, regarding a single variance.

b. Parks-Etna's new park works session Thursday, October 23, 2025, 6:00 p.m. Trustee Burkholder noted \$50,000 has been committed to the planning process for the new park off State Route 310. A joint meeting is scheduled for New Community Authority members and the board of trustees at a public meeting.

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VII. Old Business

b. Cumberland Crossing OPWC

Motion to adopt Resolution 2025-070 authorizing submission of an OPWC application

Moved by: Trustee Gary Burkholder to adopt Resolution 2025-070 to make application for funding for paving in the Cumberland Crossing subdivision

Second by: Rozland McKee-Flax

Trustee Evans asked why he was seeing this Resolution today and doesn't feel that he can make an informed decision without prior notice and believes that the public should have an opportunity to ask questions.

Yes: Gary Burkholder, Rozland McKee-Flax

No: Mark Evans

Carried 2-1

c. Motion to purchase server and related equipment from Alpha Link

Moved by: Trustee Burkholder to approve purchase of the server and related equipment for \$7,781.00.

Second: Rozland McKee-Flax

Trustee Evans asked why we were moving backwards by not going to the "cloud." Trustee McKee shared that purchasing a server does not mean that we are not backing data up to the cloud. Trustee Burkholder also shared that we have contracted with Alpha Link to update our equipment and software to improve the function of the office and keep up with the township needs.

Yes: Gary Burkholder, Rozland McKee-Flax

No: Mark Evans

Carried 2-1

d. Position Openings

Trustee Evans shared that he has some issues with staff, BZA chair, no minutes, and lack of attendance at the zoning meetings. Trustee McKee was against hiring additional personnel at this time due to the negative environment within the township office and community. Trustee Evans suggested that everyone reviews emails from the BZA to see what's going on. There was no recommendation on how much to pay a planner, administrative assistant, or secretary at this time. Trustee Evans stated that the board was supposed to hire a full-time secretary and instead Trustee Burkholder hired someone from down the street. He reached out to Dawson for an update on potential office staff and was told that the trustees did not want to pay Dawson's hourly rate noted in the agreement nor has the board held any discussions about pay rates for the positions needed. Trustee Burkholder inquired if anyone was aware who posted the Dawson applicant's name and information on Facebook, no response given.

e. Motion to approve agreement with MORPC for planner

Moved by: Gary Burkholder to approve the interim planner

Second by: Rozland McKee-Flax

Trustee Evans asked why the board would pay someone \$100-\$130 an hour as a part-time planner and look for a full-time person. Trustee McKee shared that the board previously approved reaching out to MORPC for temporary planner due to the increased volume of requests the township office has been receiving the current staff cannot keep up and that she would support the approval. Trustee Burkholder also shared that he has asked the trustees to assist with office coverage with no response.

Yes: Gary Burkholder, Rozland McKee-Flax

No: Mark Evans

Carried 2-1

VIII. New Business

a. Discussion on request for stop signs in Royal Acres at Prince Road

Trustee Evans reported receiving an email from the HOA regarding the signs and he followed up with the Licking County Engineer. Trustee Burkholder shared that he had only recently responded to this subject matter because there are several steps that must be taken before installing the stop signs i.e., public notice, advance warnings, etc., and that the township does not have unlimited authority thus the need to involve the Attorney General and county engineer.

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Moved by: Trustee Evans to approve the stop signs

Second by: Rozland McKee-Flax

Yes: Mark Evans, Gary Burkholder, Rozland McKee-Flax

Carried 3-0

IX. Fiscal Officer Report

a. Resolution 2025-71 to approve purchase orders

Moved by: Rozland McKee-Flax to approve

Second by: Gary Burkholder

Fiscal Officer Jackie Cotugno reported that Huntington Bank sold our loan for the State Route 310 loan to US Bank Trust. Trustee Evans suggested that purchase orders be approved prior to dispersing the funds. Fiscal Officer shared that no funds had been expended, and the purchase orders cover the months of October, November, and December 2025.

Yes: Mark Evans, Gary Burkholder, Rozland McKee-Flax

Carried 3-0

b. Motion to ratify the payment of the bills as shown on payment listing

Moved by: Gary Burkholder to approve the bills per payment listing

Second by: Rozland McKee-Flax

Yes: Mark Evans, Gary Burkholder, Rozland McKee-Flax

Carried 3-0

c. Transfers

Moved by: Gary Burkholder to transfer the funds as presented

Moved by: Mark Evans to open a separate bank account for the \$4 million transfer of funds

Second by: Rozland McKee-Flax

The fiscal officer provided 3 options for the transfer of \$4 million for the purpose of earning a higher interest rate. It was suggested that we should keep the interest separate so that it pays for the park. The fiscal officer noted at the end of September there was \$10.9 million in the bank; receipts for September were \$353,000 and payments were \$497,000.

1. Open a separate account for the park

2. Transfer \$4 million into a star Bank account for 4.25% rate

3. Transfer \$4 million into Park National Bank for 4.44% rate

Yes: Mark Evans, Gary Burkholder, Rozland McKee-Flax

Carried 3-0

X. Public Comments (*Limits of 2 minutes per person*)

Tia Raver Zimmerman 9305 Summit Road – Reported that she was tired of being nice and the residents attending the public meeting should refrain from making comments while someone is speaking. Mrs. Raver wanted to know how and why her picture was posted on social media. Trustee Burkholder shared that posting positive issues, outcomes, township updates, project progress, etc., is done to educate and update the community on what's happening within the Etna Township community. Mrs. Raver again shared her discontent about the board not hiring residents to assist the township office.

Justin Sayre 154 Prince Road SW - Reported that he serves on a president on the Royale Oaks HOA and that the email communication between him and the trustees has been favorable. Mr. Sayre asked who was going to be the point person for follow-up regarding signage. Trustee Burkholder noted that it will be a coordinated effort by the trustees, Etna Roads Department, and county to implement a timeline and final notification within a minimum of 2 weeks.

Liz Eschenbrenner 22 Spikerush Court – Commented that Etna Township deserves better service than what the community has been getting. The community doesn't need four more years of meetings like today. Everyone has freedom of speech and she, with others in the community, has had enough of being referred to as criminals.

Litichia McIntyre 15 Third Avenue SW – Shared that she was pleased to hear about the hiring of an interim planner to assist with zoning matters.

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Lorant Ipacs 114 Royalty Drive – Commented about the upcoming election and reminded everyone that the key issues are restoring integrity, stability, and respect among board members and community. It's important to promote accomplishments within the township.

Mark Evans – 91 Old Church – Reported that we have a chair who talks about working together and the refuses to work with a board trustee and suggests that he stay in his own lane, when this is my lane.

Male Unknown – Reported that he had heard someone in the room comment “but for the grace of God”. Trustee Evans’ has a “god” complex, doesn’t comprehend why people don’t want to work here, is considered a township bully, and constantly flooding social media only because it’s election time.

Chelsi Jeremy 125 Bishop Drive – Thanked the board for approving the stop signs and asked who was going to be the point person for the HOA regarding the installation of the sign. She couldn’t understand why it would be difficult for a member of the board to step up and take the lead. Trustee Burkholder apologized and confirmed that he would serve as the point person.

XI. Announcements and Trustee Comments

- a. **BZA variance hearing Wednesday October 22, 2025, 6:00 p.m.**
- b. **New parks work session, Thursday October 23, 2025, 6:00 p.m.**
- c. **Trustee regular meeting, Wednesday November 5, 2025, 6:00 p.m.**
- d. **Zoning Commission meeting, Thursday, November 6, 2025, 6:00 p.m.**

Trustee Evans reported that he didn’t speak up earlier because Trustee Burkholder controls everything and shared a recap of his earlier comments. Trustee McKee noted that the board is trying to perform action items and we need to be respectful of everyone’s time.

XII. Adjournment

Moved by: Rozland McKee-Flax to adjourn

Second by: Gary Burkholder

Yes: Mark Evans, Gary Burkholder, Rozland McKee-Flax

Carried 3-0

Adjourned


Gary Burkholder, President


Jackie Cotugno, Fiscal Officer

All the resolutions as presented are filed with the Fiscal Officer