

RECORD OF PROCEEDINGS

Minutes of

Enna Township Trustees Regular Meeting

Meeting

February 6,

2024

Held \_\_\_\_\_ 20 \_\_\_\_\_

The Enna Township Board of Trustees met on Tuesday, February 6, 2024, in the Enna Township Administration Building for the purpose of conducting the regular meeting. The meeting was called to order at 6:00 p.m. by Trustee Burkholder. Rozland McKee led the invocation and The Pledge of Allegiance by Trustee Burkholder. Roll call showed Trustees Mark Evans, Gary Burkholder, Rozland McKee-Flax, and Fiscal Officer Julie Varian present.

Trustee Evans moved to adopt the agenda as presented. The motion was seconded by Trustee McKee. Discussion: Trustee McKee asked for additional consideration in moving the March 5<sup>th</sup> meeting as the Lincoln Dinner is being held on the same day. Trustee Burkholder is not comfortable moving a regular meeting considering it would be a partisan dinner. Trustee Evans felt the need to be consistent, especially for political purposes. Roll call, Trustee Evans, yes; Trustee Burkholder, yes; Trustee McKee, yes; motion passed.

Trustee Evans moved to table the minutes from the January 2, 2024, meeting stating he had just received the draft the day before and has not had time to review them. Trustee Burkholder seconded the motion. Trustee Burkholder stated that if the public would like a copy of the draft, it would be made available to them upon request. Roll call, Trustee Evans, yes; Trustee Burkholder, yes; Trustee McKee, no; motion passed 2-1.

Trustee Burkholder moved to table the minutes from the January 8<sup>th</sup> and 16<sup>th</sup> meeting. Trustee McKee seconded the motion. Trustee Burkholder stated the minutes from the 16<sup>th</sup> meeting are not ready yet, but the minutes from the special meeting are available. Roll call, Trustee Evans, yes; Trustee Burkholder, yes; Trustee McKee, yes; motion passed by unanimous vote. Minutes were table and will be brought up at the meeting on the 20<sup>th</sup>, but they are available to the public for viewing.

**Presentation – E.P. Berris & Associates Inc.**

Jim Henry, with E.P. Berris & Associates Inc located at 2130 Cory Trails Drive, has been with the firm for close to 8 years. Previously he served as the Knox County engineer for 23 years. Mr. Henry provided a statement of qualifications. E.P. Berris & Associates specializes in professional design, engineering, plan review, oversight, and construction. Trustee McKee questioned the purpose of bringing on an additional engineering firm. Trustee Burkholder believes an independent review is necessary on some projects taking place and wants to make sure we are complying through an engineering firm compared to just zoning.

**Public Comments -**

Christy Mead of 245 Hillview Drive is the president of the West Licking County Historical Society. She wants to preserve the history of the area. America 250 is a program celebrating the 250<sup>th</sup> anniversary of the signing of the Declaration of Independence. They are putting together a passport project for sites around Licking County to visit. Events will be planned around 2026.

Chuck Bundy of 10254 Tollgate Road agrees with Trustee Burkholder that the township should have an independent engineering firm, but feels it is important that the board considers more than one firm.

Rachel Zelazny of 10141 Tollgate Road SW has been coming to the meetings for two years after a business took out five wetlands. Her house now looks like an island when it rains. In two years, nothing has changed. She feels it is a good idea to have an independent firm to handle the growth that is coming to Licking County. There are buildings on property that have not been approved by Licking County. The neighbors are suffering, and she is suffering. She would like to know what Storm Water is doing about the problem. She feels that fines do not fix the problem.

Michelle Christy of 252 Gilliad Street Cardington, OH and 74 Sycamore Creek Enna, Oh questioned if Trustee McKee was aware of the engineering firm that presented. Trustee McKee replied that she was not. Trustee McKee had not yet received the material. Ms. Christy told Trustee Evans that if she has to go to the prosecutor's office again, he will know. She feels putting her name in with the prosecutor along with Amy is out of line and would like that on the record. Ms. Christy stated she did not do anything wrong. Trustee Evans did not ask her what she did, she had just come in to get records. Trustee Evans gave a brief reply. Evans said she is referring to a Facebook post by Ms. Christy saying she saw communications from our prosecutor regarding the BZA. Trustee Evans asked for it to be looked at.

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Trustee Evans believes Ms. Christy told the prosecutor falsehoods about prior acts. Trustee Evans was concerned Ms. Christy was shown prosecutorial communications that are considered privileged.

Eileen DeRoth of 12520 Refugee Road SW spoke of concerns of the national security threat China poses. Concerned of the farmland China companies are buying up and would hope that our local government is knowledgeable on the subject. Citizens have put together a town hall discussion to be hosted on February 27, 2024 at Licking Heights Middle School from 6-8pm. For more information you can go to [notinpataska.com](mailto:notinpataska.com).

Vicki Hesel of 9646 Lynn Road feels there needs to be a ruling made that there will no longer be personal attacks from anyone and there needs to be standards at the meetings. Trustee Burkholder agreed, stating the meetings need to stay focused.

Jim Henry of E.P. Berris & Associates agrees with Chuck Bundy there should be three or more engineering firms on file.

Judy Caffemeyer of 29 Roma Court would like to thank the trustees for the exclusionary zone that is being proposed/brought forth. There will be a public meeting at the Administration Building in Newark at 6pm on March 26, 2024.

Matt Kunsman of 272 Auburn Drive is a Conservative Republican running for election as judge for the Licking County Common Pleas Court. He is originally from Northwest Ohio and has been a trial lawyer for 15 years. He is currently serving as a magistrate for the Licking County Common Pleas Court. He is running to uphold the law, not rewrite it.

Matthew Rausenburg of 46 Cedar Park Blvd is frustrated that this is the second meeting of how the township will secure passwords and the safety of information, yet nothing has been done. Mr. Rausenburg believes that it is horrible timing for social media. He believes it needs to be run by a non-elected official who can remain non bias. The idea of hiring a temporary person through a third party for the administrative position is a bad idea. Why invest in a third party when you should invest in the person.

Litchia McIntyre of 15 3<sup>rd</sup> Ave SW stated that her church would like to put on an event in June at High Point Park. She will have an exact date over the weekend after her board at church goes over the details.

### Reports:

#### Trustee Burkholder

### Roads

Trustee Burkholder met with TID, Bill Lozier, and ODOT. He needed to get some clarification on compensation. The township has agreed to pay \$80,000 and some change to do additional engineering work that is required to fix a 500ft gap.

Trustee Burkholder has received calls from residents on Mink St with concerns of the truck traffic. The truck drivers were given the addresses on Mink St rather than using the Global Way address. Trustee Evans believes there is supposed to be a very large sign in the works to be installed and also believes the addresses need to be changed.

Trustee Evans brought up Loop Road and spoke with Jared the county engineer. Trustee Evans suggested not constructing a cul de sac rather just maintaining the turnaround for buses. Trustee Evans asked for permission from the board to speak with Jared. Trustee Burkholder moved and Trustee McKee seconded for discussion. Discussion: Trustee McKee believes the issues have been resolved and questions why the township is going to pay for an issue that is resolved and has been resolved for free. Trustee McKee said the issue was resolved; Ms. Hanson had the pole moved a few weeks ago so the buses can now turn around. Trustee McKee does not feel the township needs to spend money on an issue that has been resolved and the resident with the complaint is happy. Trustee Burkholder spoke with the transportation director at the school and with all the rain some of the grindings were giving way. Trustee Burkholder would like some more facts as to what is really going on out there. Trustee Evans spoke with Mr. Rager where the work was being done. They are still having issues and will possibly have to stop the bus service out there. Trustee Evans believes the work that was done is not adequate. The roll call was as follows Trustee McKee, yes; Trustee Evans, yes; Trustee Burkholder, yes.

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### Zoning

Trustee Burkholder has been working with the office secretary and the zoning assistant in the office. The zoning assistant has been working on processing reports. The follow-up meeting has not been scheduled with the BZA and there is not much more to report.

### Parks and Recreation

Trustee Burkholder has been in contact with EMH&T regarding the park committee. Due to the length of the agenda Trustee Burkholder would like to set up a meeting on the 20<sup>th</sup> for residents who would like to interview for the Park Committee. EMH&T has compiled all the surveys and is working on creating graphs to get back to the board and the residents. The park pond near Smoke Road is still spilling over. Trustee Evans wants to work with soil and water to help with the situation. Trustee Burkholder made the motion to have Trustee Evans speak with soil and water. Trustee McKee seconded the motion for discussion. Discussion: Trustee McKee knew there was an issue before but thought Bubba had worked with soil and water and was able to fix the issue. With all the rain Trustee McKee sees that the problem may have returned. Trustee Evans said there was supposed to be a cut out, but that has not been done. The roll call was as follows Trustee Burkholder, yes; Trustee Evans, yes; Trustee McKee, yes. Motion passes

### Fire Department

The fire department is requesting assistance from Etna Township to help clean out a burn house at the corner of 40 and York. They are requesting the use of a tractor to help shovel away debris. Trustee Evans has already spoken with Bubba and the road department is ok with the use. Trustee Evans is requesting to speak with the prosecutor's office to make sure this is ok. Trustee Burkholder made the motion to allow Trustee Evans to speak with the prosecutor's office, Trustee McKee seconded the motion for question. Trustee McKee questioned what Trustee Evans meant by assistance. Trustee Evans clarified by stating that the fire department was requesting the use of the township's equipment. The roll call was as follows: Trustee Burkholder, yes; Trustee McKee, yes; Trustee Evans, yes. Motion passes

### Old Business –

#### a. Pike Street Project

The township has a check to pay TID for the extra engineering, but what has not been solidified is who pays for the construction and how much. Trustee Burkholder attended a meeting with the West Licking Community Improvement Corporation. They have a resolution to dissolve that organization with the remaining funds, which are over \$100,000 to pay expenses such as legal fees or anything that needs to come to Etna Township. Whatever remains, a check will be sent to TID. It may be in the \$70,000 and an audit will need to be done. That corporation will have to pay for that. Trustee Burkholder would like for the remaining funds that are to go to the TID to be used on Pike Street.

#### b. Wagram Plant Project

#### c. WIN Waste Contract

Trustee Evans said there needs to be an amendment to the first draft of the Win Waste contract. The contract was drafted by Win Waste when it should have been drafted by the prosecutor's office. Trustee Evans made the motion to deal with Win Waste. This motion was seconded by Trustee Burkholder. Discussion: Trustee McKee noticed a discussion in an email before the meeting stating that Trustee Evans would like to be the point of contact which is a no no. Trustee Burkholder clarified that when the agenda is being drafted all trustees have the opportunity to add business to the agenda. There was no discussion. The roll call was as follows: Trustee Evans, yes; Trustee Burkholder, yes; Trustee McKee, yes. Motion passes.



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**d. Security System**

Trustee Burkholder has had contact with SOS and has not had the opportunity to retrieve the public records from the computer system but will follow up. Trustee Burkholder has also had conversations with State Security and is hoping to meet with them next week. He did say the server is secure and the key box is secure. Trustee Burkholder said that they do take security seriously. Trustee Evans is requesting the chair to have SOS make a copy of what's on there and simply plug in the system so that we have an active security system. Trustee McKee requested the cameras be removed from the building because they were from China and requested our money back. She sent the request over to the prosecutor's office to no avail. Trustee McKee wanted the money back for the cameras not for his labor.

**New Business –**

**a. Cemetery – Request to waive attorney client privilege – Maintenance.**

Trustee Evans moved to waive the attorney client privilege to discuss the legal analysis from the prosecutor's office in an email dated 12/18/23. Trustee McKee seconded the motion for discussion. Discussion: Trustee McKee would like to know the reasoning behind needing to waive the attorney client privilege. Trustee Evans said it needs to be waived so that the board can discuss the legal analysis provided by the prosecutor's office. The roll call was as follows: Trustee Evans, yes; Trustee Burkholder, yes; Trustee McKee, yes. Motion passes.

**b. Social Media Account for Township**

Trustee Evans would like to create an Etna Township social media page. Trustee Evans feels it is important to reach the residents of the township better. Trustee Evans moved to create a social media page for the township. Trustee McKee seconded the motion for discussion. Discussion: Trustee McKee feels we are short-staffed and does not feel it is a good idea to have a Trustee manage the page. She also believes it is not appropriate and would open too many cans of worms. Trustee Evans feels it is necessary to start in order to fully reach and inform the residents, citing there was very small attendance at Comprehensive Plan Meeting. Trustee Burkholder feels that Facebook is a powerful tool but is not a good idea at this time. He did let the residents know, that if they are not already on the list serve, that is an option to be informed or go to the township website. Trustee Burkholder feels Facebook has been weaponized within the community and at this time he is not in support of it. Trustee Burkholder is willing to revisit this topic at a later date. The roll call was as follows: Trustee Evans, yes; Trustee Burkholder, no; Trustee McKee, no. Motion fails.

**c. Farm Lease**

Trustee Burkholder made the motion to discuss the farm lease. Trustee McKee seconded the motion for discussion. The roll call was as follows: Trustee Evans, yes; Trustee Burkholder, yes; Trustee McKee, yes. Motion passes. Discussion: Trustee Evans feels the township needs to send it out for bidding. Trustee Evans said the last bid was below the going rate and feels the township should be fairly compensated. Trusted Burkholder has talked to Charles Haggy who is interested in farming that property but was unable to attend the meeting. Kevin Keller spoke at the meeting, he currently has a lease on the property. The lease is a one-year lease, then year to year. Mr. Keller is aware that access is not readily available to the property.

**d. CAUV**

Trustee Evans moved to direct Trustee McKee to file the CAUV reports that are due on March 1, 2024. Trustee McKee seconded the motion. The roll call was as follows: Trustee Evans, yes; Trustee Burkholder, yes; Trustee McKee, yes. Motion passes.

**e. T-Mobile Government account**

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Trustee Evans motioned to have the T-Mobile account transferred from a business account to a government account. Trustee Burkholder seconded the motion. The roll call was as follows: Trustee Evans, yes; Trustee Burkholder, yes; Trustee McKee, yes. Motion passes.

**f. AHS Etna – Grant Funding Public Road**

Trustee Evans motioned to allow him to work with the prosecutor's office regarding the request for funding from the 629 grant. Trustee McKee seconded the motion for discussion. Discussion: Trustee McKee said a decision was already made that the board is not obligated to give the money to the TPA in the amount of \$100,000. The board spent money with Brosius and Griggs to look this over. The firm agreed that there was no contract and if the township were to give the money to TPA there would be an audit. Trustee Evans said since this review there has been a formal request for the reimbursement of said funds. Trustee Evans feels the board should do proper due diligence and look over the request for payment. The roll call was as follows: Trustee Evans, yes; Trustee Burkholder, yes; Trustee McKee, yes. Motion passes.

**g. Mark Evans – Health Insurance**

Trust Burkholder motioned to make Trustee Evans the contact person for Health Insurance Renewal. Trustee McKee seconded the motion. The roll call was as follows: Trustee Evans, yes; Trustee Burkholder, yes; Trustee McKee, yes. Motion passes.

**h. GROW Licking County renewal**

Trustee Burkholder moved to approve the renewal of GROW Licking County. Trustee Evans seconded the motion. Trustee McKee feels Etna Township does not have a seat at the table for what GROW does for the township. There was a 90-day renewal contract that was stopped but has since started back up. Trustee McKee feels GROW Licking County is misleading. GROW Licking County claimed the Uline and Ryder projects, Trustee McKee says that Etna Township did everything. The renewal cost is \$15,000 per year, per Trustee Burkholder. The roll call was as follows: Trustee McKee, yes; Trustee Burkholder, yes; Trustee Evans, yes. Motion passes.

**i. Ohio Health Consortium Twp Rep**

Trustee Evans moved to appoint Trustee McKee to be the township representative for the Ohio Health Consortium. Trustee Burkholder seconded the motion. The roll call was as follows: Trustee Evans, yes; Trustee Burkholder, yes; Trustee McKee, yes. Motion passes.

**j. MORPC Planner Pool Program**

Trustee Burkholder introduced MORPC, which is a planner pool program. Trustee Burkholder will likely bring it up in a future meeting since the information was just handed to the other trustees. Trustee Burkholder is waiting for the MORPC representative to get back to him. When the township is in need of a planner or zoning inspector MORPC has a pool of individuals you can choose from. No board action took place.

**k. Re-assignment of Trustee Responsibilities**

Trustee Evans recommended Trustee McKee oversee the cemeteries and town hall reservations. Trustee McKee is against this recommendation, stating that she is already in charge of parks, CAUV, and the Ohio Health Consortium. Trustee Burkholder moved to have Trustee McKee deal with parks. The motion was seconded by Trustee McKee. The roll call was as follows: Trustee Evans, no; Trustee Burkholder, yes; Trustee McKee, yes. Motion passes. Trustee Evans moved to appoint Trustee Burkholder over the road department, office, and zoning. Trustee McKee seconded the motion. The roll call was as follows: Trustee Evans, yes; Trustee McKee, yes; Trustee Burkholder, yes. Motion passes. Trustee Burkholder moved to appoint himself over cemeteries. Trustee McKee seconded the motion. The roll call was as follows: Trustee Evans, no; Trustee Burkholder, yes; Trustee McKee, yes. Motion passes. Trustee Burkholder will continue to work with the office staff regarding public records.

**l. Motion Temp Employment**

Trustee Burkholder moved to take the lead on working with a temp agency to fill the administrative assistant position. Trustee McKee seconded the motion for discussion. Discussion: Trustee McKee

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needed clarification on a few items. Will this temporary assistant be working with Laura, how many hours per week, will this become a permanent position, and what all tasks will this temporary assistant be doing. Trustee Burkholder would recommend advice from the board on hours and Trustee Evans recommends a 40-hour week. F/O Varian asked if there would be a pool of candidates and would there be a special meeting called to discuss the potential hire. Trustee Burkholder said the board would receive recommendations from the agency, then a special meeting would be called for interviewing. The roll call was as follows: Trustee Evans, yes; Trustee Burkholder, yes; Trustee McKee, yes. Motion passes.

**m.** Motion Brosius Griggs to Bricker Graydon  
Trustee Burkholder moved to direct Brosius and Griggs to transfer all township files to Bricker Graydon LLP and to authorize Bricker Graydon LLP to (a) review and advise on the SWLCWSD's opinion that district is exempt from township zoning. (b) review and advise on all JEDDs and JEDZs. Trustee McKee seconded the motion for discussion. Discussion: Trustee McKee said when the board decided to move to Brosius it was very expensive to move from the old firm. Trustee McKee questioned if Bricker Graydon will be able to handle all the JED and JEDZ projects. Peter Griggs said Bricker Graydon has not had very much work with JED and JEDZ when questioned by Trustee Burkholder during a phone call. Trustee Burkholder believes that the firm has a larger staff and more experience. Trustee Evans moved to amend the motion to include see review and revise on potential annexation issues. Trustee Burkholder seconded the motion. The roll call was as follows: Trustee Evans, yes; Trustee Burkholder, yes; Trustee McKee, yes. Motion to the amendment passes. Trustee Burkholder wants to make sure the board is getting expert advice and that things are done correctly. The roll call was as follows: Trustee Burkholder, yes; Trustee McKee, no; Trustee Evans, yes. Motion passes.

**Fiscal Officer Report & Motions**

- a. Resolution 2024-012** Purchase Orders  
Trustee Evans moved to approve Resolution 2024-012 Purchase Orders. Trustee McKee seconded the motion. The roll call was as follows: Trustee Evans, yes; Trustee Burkholder, yes; Trustee McKee, yes. Motion passes.
- b.** Payment of Bills  
Trustee Evans motioned to ratify the payment of bills as listed on the payment listing. Trustee McKee seconded the motion. The roll call was as follows: Trustee Evans, yes; Trustee Burkholder, yes; Trustee McKee, yes. Motion passes.
- c.** Kevin Keller – Keller Enterprises

**Executive Session –**

Trustee Burkholder moved to go into Executive Session per O.R.C. 121.22 (G) (3) A conference with an attorney, for the public body, concerning disputes involving the public body that are the subject of pending or imminent court action. The motion was seconded by Trustee Evans. The motion passed by unanimous affirmative vote. Invited into the executive session were the Board of Trustees and Attorney Patrick Cason. The time was 7:47 p.m.  
Trustee Evans moved to come out of executive session and the time was 8:23 p.m. The motion was seconded by Trustee McKee and passed by unanimous affirmative vote.

**Announcement and Trustee Comments –**

Trustee McKee in the era of transparency, wanted to bring to the board her using the Etna Township logo to advertise in the Lincoln Day to run an advertisement supporting her as trustee. Trustee Burkholder and Evans were not comfortable with it. Trustee Evans moved to approve the Prosecutor Request List Approval to be signed by Trustee Burkholder after the meeting. Trustee Burkholder seconded the motion. The roll call was as follows: Trustee Evans, yes; Trustee Burkholder, yes; Trustee McKee, yes. Motion passes.



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**Motion for Adjournment**

Trustee Evans moved to adjourn at 9:15 p.m. The motion was seconded by Trustee McKee and passed by unanimous affirmative vote.

  
Gary Burkholder, President

  
Julie Varian, Fiscal Officer

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