



RECORD OF PROCEEDINGS

Minutes of **NORWICH TOWNSHIP BOARD OF TRUSTEES** *Meeting*

5181 NORTHWEST PARKWAY, HILLIARD, OHIO

Held **May 16, 2011**

The meeting was called to order by Chairman Mike Cope.

Roll Call - **Michael D. Cope, Chairman– Present**
Charles Wm. Buck, Trustee – Present
Larry Earman, Vice-Chairman – Present

Also Present - **Dave Long, Fire Chief**
Bob Kaufman, Asst. Fire Chief
Steve Montgomery, Roads/Cemetery Dept.
Wayne Warner, Township Administrator

AGENDA ADDITIONS

Fiscal Officer Miles requested to add a motion to amend the 2011 Permanent Appropriations for Schirtzinger Road Improvement Project.

Approval of Trustee Meeting Minutes for 5/2/11

Motion by Mr. Buck, seconded by Mr. Earman, for the approval of the Norwich Township Trustee meeting minutes for the regular meeting of May 2, 2011.

Vote: Buck-Yes Cope-Yes Earman-Yes Motion passed - #110516.01

HILLIARD POLICE DEPARTMENT

Chief Francis was unable to attend the meeting but the April activity report was provided.

FIRE DEPARTMENT

Chief Long recognized Firefighter Randall Lossick with his one year service award.

Executive Session

Motion by Mr. Earman, seconded by Mr. Buck, to adjourn at the end of the regular meeting into executive session pursuant to Ohio Revised Code Section 121.22(G)(1) for the purpose of appointment of a public employee.

Vote: Buck-Yes Cope-Yes Earman-Yes Motion passed - #110516.02

PUBLIC PARTICIPATION

Mr. Vito Checchio, resident of 3536 Schirtzinger, is concerned that putting twelve inch piping in to replace the ten inch piping will cause even more pooling of water in his yard. Mr. Greg Payne of the Franklin County Engineer’s Office (FCEO) stated that these specific drainage issues will be addressed with the individual homeowners directly. Mr. Earman clarified that the 12 inch line has restrictor plates therefore no more water will be pushed through the lines at this time.



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Mr. Loren Day, resident of 3625 Schirtzinger Road, indicated that there is significant ponding along the south side of the road. Mr. Payne reported that once approval is obtained from the Township a more in depth study will be done for the current problem areas.

Mr. Andy McCorkle, resident of 3665 Schirtzinger Road, asked if there would be an opportunity for public review after the final design is completed. Mr. Payne indicated that there is only a bit of design left; plans do call for some individual work to be done and this will be coordinated with the property owners directly. In response to Mr. Cope's inquiry, Mr. Payne noted that the only remaining construction notice would be to communicate the start date of the project. Mr. Cope recommended that residents contact the Township if they had any questions during construction.

Mr. Troy Brown, resident of 4365 Schirtzinger Road, is concerned about increased speeding along the road. Mr. Cope confirmed that the road is not being widened rather the shoulder is just being stabilized. Furthermore, speeding is a policing issue and if a resident wanted to volunteer to have the speed trailer placed in their yard that this could be done again. Mr. Brown authorized the speed trailer to be placed on his property.

Miss Mary Okane, resident of 3685 Schirtzinger Road, thanked the FCEO for the sharing of information. Mr. Cope confirmed that the shoulder would be stabilized and the appropriate fill would be done in soft areas.

Mr. Harry Ours, resident of 3520 Schirtzinger, thinks that the tree replacement should be done at least next year. Mr. Buck indicated that the goal would be to get the trees put in this year. Mr. Ours would like to choose the tree species. Mr. Buck indicated that there would be a variety of trees planted not just a single species.

Mr. Ed Schirtzinger, resident of 4185 Schirtzinger Road, asked if the map reflected all trees to be removed. Mr. Payne stated that there are three additional trees to be removed at the east end of the project and one at the west end. These are trees that were identified in Ahlum and Arbors report and the residents have asked for them to be removed. Per Ahlum and Arbors recommendations, Mr. Buck wants to make sure that all trees that are considered dangerous be removed as part of the project. Mr. Payne confirmed that traffic would be maintained with periods of one way. Mr. Cope asked that this be coordinated with the schools.

Mr. Earman requested that the planting of the trees be coordinated with the seeding process so that the property is not destroyed putting the trees in. Mr. Buck noted that there are some timing issues that drive these processes. Mr. Cope asked Wayne and Steve to coordinate these efforts.



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Approval of the Schirtzinger Road Improvement Project

Motion by Mr. Buck, seconded by Mr. Earman, for approval to authorize the Franklin County Engineer's Office to proceed with plans for the Schirtzinger Road Improvement Project.

Vote: Buck-Yes Cope-Yes Earman-Yes

Motion passed - #110516.03

Approval to Amend the 2011 Permanent Appropriations

Motion by Mr. Earman, seconded by Mr. Buck, for the approval to amend the 2011 permanent appropriation for General Fund Capital Outlay in the amount of \$516,300 bringing the total to \$571,300 for the Schirtzinger Road Improvement Project. (See attached)

Vote: Buck-Yes Cope-Yes Earman-Yes

Motion passed - #110516.04

FIRE DEPARTMENT

Chief Long reported that the Safety Town graduation is scheduled for June 17th and invitations had been sent to the elected officials. The Citizens Police Academy graduation is scheduled for May 24th. Safety Day is set for this Saturday, May 21st from 9-3 pm.

CEMETERY & ROAD DEPARTMENT

Mr. Montgomery provided an update on the use of the new CIMS cemetery software. He noted that overall this was a very good investment.

FISCAL OFFICE

The April Payment and Charge Registers were provided to the Board. Fiscal Officer Miles reported that legal counsel is working on the addendum to the Safety Services Building lease and it will be forwarded for review once received.

TOWNSHIP ADMINISTRATION

The Board approved the annexation agreement.

Approval of the City of Columbus Annexation Agreement for Hayden's Reserve

Motion by Mr. Buck, seconded by Mr. Earman, to approve the annexation agreement with the City of Columbus to conform the boundaries of their 2003 annexation of the Hayden's Reserve development to exclude Norwich Township thus reducing the real estate tax assessments for the property owners by approximately 13% with no change in the level of fire or emergency medical services. Mr. Earman stated that it was absolutely the right thing to do even though it is lost revenue (approximately \$50,000) to the Township.

Vote: Buck-Yes Cope-Yes Earman-Yes

Motion passed - #110516.05

Mr. Warner asked the Board to give authorization to the resident of 1660 Valley Crest Drive to build a garage on a utility easement that the Township has never used. The Board agreed to do so. Mr. Warner reported that the Franklin County Engineer's has approved a request from the resident of 3880 Schirtzinger Road to move their driveway to the opposite side of



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their house. Mr. Buck asked that the neighbor's be made aware of the change. The Board considered a request from the resident of 4130 Schirtzinger Road for authorization to take possession of the lumber from the tree that is slated to be removed in the right of way area of their property per the Schirtzinger Road Improvement Project. For various reasons, including liability issues, the Board agreed that authorization would not be given. Lastly, Mr. Earman authorized the Township to proceed with the cleanup of 4075 Dublin Road.

TRUSTEE-OLD BUSINESS - None

TRUSTEE-NEW BUSINESS - None

Pursuant to the earlier motion, the Board entered into Executive Session.

No action taken during executive session. Motion by Mr. Buck, seconded by Mr. Earman, to adjourn from executive session and regular session at 7:40 pm.

Vote: Buck-Yes Cope-Yes Earman-Yes

Motion passed - #110516.06


Michael D. Cope, Chairman


Jamie Miles, Fiscal Officer

NORWICH TOWNSHIP
 RESOLUTION # 110516. DT
 AMENDED PERMANENT APPROPRIATIONS FOR 2011

Whereas the Township anticipates having sufficient carry over funds and revenue in 2011 in the General Fund to operate the Township functions, and

Whereas the permanent appropriations for 2011 have been established. Now therefore, be it resolved that the 2011 Permanent Appropriations be amended as follows to include funds for the Schirtzinger Road Improvement Project at an estimated cost of \$516,300:

	Total	Payroll & Benefits	Other	Capital Improvement	Tranfers Out
General Fund	\$1,922,400	\$403,500	\$497,600	\$571,300	\$450,000
Motor Vehicle Fund	\$20,000	\$0	\$20,000	\$0	\$0
Gas Tax Fund	\$103,000	\$0	\$103,000	\$0	\$0
Cemetery Fund	\$539,250	\$440,150	\$74,100	\$25,000	\$0
Police District Fund	\$398,650	\$0	\$398,650	\$0	\$0
Fire District Fund	\$11,815,950	\$10,532,150	\$1,097,800	\$186,000	\$0
Fire Rescue, EMS Fund	\$907,800	\$427,800	\$145,000	\$335,000	\$0
FEMA Fund	\$0	\$0	\$0	\$0	\$0
	\$15,707,050	\$11,803,600	\$2,336,150	\$1,117,300	\$450,000

Moved by: LARRY EARMAN
 Second by: CHUCK BUCK

Voting:

Charles Wm. Buck YES
 Michael D. Cope YES
 Larry Earman YES

Adopted this 16th day of May 2011

ANNEXATION AGREEMENT

This is an Annexation Agreement (the "Agreement") entered into on or as of June 1, 2011 (the "Effective Date") by and between the Council of the City of Columbus, Ohio, the legislative authority of and for the City of Columbus ("Columbus") and the Board of Trustees of Norwich Township, Franklin County, Ohio, the legislative authority of and for Norwich Township ("Norwich" and, collectively with Columbus, the "Parties" and each a "Party"), pursuant to the provisions of Ohio Revised Code Section 709.192.

WHEREAS, Columbus and Norwich are political subdivisions located entirely within the State of Ohio, with Columbus and Norwich being contiguous and, in some cases, having overlapping boundaries within areas located within Franklin County, Ohio; and

WHEREAS, prior to the enactment of Ohio's new annexation law (as codified by the 124th General Assembly in Amended Substitute Senate Bill Number 5 in 2001), Columbus would routinely conform the boundaries of property annexed from Norwich Township to the City of Columbus under Section 503.07 of the Ohio Revised Code; and

WHEREAS, following the passage of Senate Bill 5, the conformance of boundaries under Section 503.07 of the Ohio Revised Code became somewhat problematic in the absence of an agreement between the affected municipality and township; and

WHEREAS, in 2003, the annexation of certain property from Norwich to Columbus under "Expedited Procedure 2" as codified in Sections 709.021 and 709.023 of the Revised Code was authorized by Columbus City Council Ordinance Number 0628-2003. This certain property subsequently was and is being developed as a condominium community generally known as Haydens Reserve, with this newly annexed property being generally located immediately south of Hayden Run Road, east of Leppert Road, west of Avery road and north of Davidson Road, and being further described and shown on Attachment A attached hereto and incorporated herein (the "Annexed Property"); and

WHEREAS, Columbus has not conformed the boundaries of the Annexed Property under and pursuant to Section 503.07 of the Ohio Revised Code in order to exclude Norwich Township from such area(s) due to changes in Ohio's annexation laws brought about as a result of the passage of Senate Bill 5 (with the Annexed Property currently being categorized as Taxing District 450); and

WHEREAS, if Columbus was able to conform the boundaries of the Annexed Property under Section 503.07 of the Ohio Revised Code, real estate taxes in this area would be reduced by approximately 13%, with no change in the current levels of fire and emergency medical services; and

WHEREAS, Columbus and Norwich are desirous of having Columbus conform the boundaries of the Annexed Property in order to exclude Norwich from such area; and

WHEREAS, Columbus and Norwich have determined that it is in the best interest of their respective residents, citizens and taxpayers to enter into this Agreement upon the terms hereinafter set forth; and

WHEREAS, this Agreement is authorized under Section 709.192 of the Ohio Revised Code and other applicable laws and has been approved by the Board of Trustees of Norwich Township by Resolution Number 110516.05 adopted on MAY 10TH, 2011 and by the City Council of the City of Columbus by Ordinance Number 0766-2011 adopted on May 23, 2011.

NOW, THEREFORE, in consideration of the mutual promises contained herein, Columbus and Norwich agree as follows:

1. This Agreement is entered into pursuant to the provisions of Ohio Revised Code Section 709.192 to permit and require Columbus to conform the boundaries of the Annexed Property pursuant to Section 503.07 of the Ohio Revised Code. Norwich hereby specifically consents to, agrees with, and does not oppose the boundary conformance of the Annexed Property, provided such conformance complies with the terms of this Agreement.
2. Within four (4) months following the Effective Date of this Agreement, Columbus shall conform the boundaries of the Annexed Property under and pursuant to Section 503.07 of the Ohio Revised Code in order to exclude Norwich Township from such area(s). Upon the exclusion of Norwich Township from the Annexed Property, Columbus shall not be required to make any compensation payments to Norwich with respect to such area as set forth in Section 709.19 of the Ohio Revised Code, as said Section exists on the Effective Date of this Agreement.
3. This Annexation Agreement may only be amended, revised or altered pursuant to an amendment in writing, executed by the Parties, and properly promulgated and approved in accordance with their respective legislative authorities.
4. The Parties agree to cooperate with one another and to use their best efforts in the implementation of this Agreement and to sign or cause to be signed, in a timely fashion, all other necessary instruments, legislation, petitions and similar documents, and to take such other actions as are necessary to effectuate the purposes of this Agreement.
5. This Agreement shall inure to the benefit of and shall be binding upon the Parties and their respective successors; subject, however, to the specific provisions hereof. This Agreement shall not inure to the benefit of anyone other than as provided in the immediately preceding sentence. This Agreement is not intended to and does not create rights or benefits of any kind for any persons or entities that are not a Party to this Agreement.
6. This Agreement may be executed in one or more counterparts or duplicate signature pages with the same force and effect as if all required signatures were contained in a single original instrument. Any one or more of such counterparts or duplicate signature pages may be removed from any one or

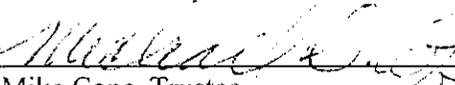
more original copies of this Agreement and annexed to other counterparts or duplicate signature pages to form a completely executed original instrument.

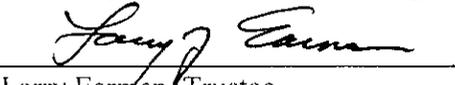
7. This Agreement shall be governed exclusively by and construed in accordance with the laws of the State of Ohio, and in particular, Ohio Revised Code Section 709.192 in effect as of the date of execution of this Agreement by the Parties. In the event that any provision of Ohio Revised Code Section 709.192 is amended or is supplemented by the enactment of one or more new sections of the Revised Code relating to Annexation Agreements, the Parties shall follow the provisions of Ohio Revised Code Section 709.192 existing on the date of execution of this Agreement, unless the Parties agree to amend this Agreement in accordance with Section 3 of this Agreement.
8. If any term or provision of this Agreement is held to be invalid, such invalidity shall not affect other terms, conditions, or provisions that can be given effect without the invalid term, condition, or provision and, to this end, the terms and provisions of this Agreement are declared severable; provided, however, that in the event of invalidation of any portion of this Agreement, a Party shall, upon the written request of the other Party, meet within thirty (30) days after receipt of such request, and modify the invalidated provision(s) in such a manner so as to accomplish the purpose and intent of this Agreement, with time being of the essence.
9. The Agreement shall not apply to any other property or area other than to the Annexed Property described and shown in Attachment A, the annexation of which was authorized by Columbus City Council Ordinance Number 0628-2003.
10. The Parties agree that no financial obligations are incurred by either Party under this Agreement.

IN TESTIMONY WHEREOF, the Parties have caused multiple counterparts hereof to be duly executed on or as of the Effective Date of this Agreement.

NORWICH

By 
Charles Buck, Trustee

By 
Mike Cope, Trustee

By 
Larry Earman, Trustee

COLUMBUS

By _____
Boyce Safford, III,
Director of Development

APPROVED AS TO FORM:

City Attorney, City of Columbus

City of Columbus - Norwich Township Annexation Agreement

-  Columbus-Norwich: Territory to be Conformed
-  City of Columbus

 Planning Division
Department of Development
City of Columbus

May 2011

