

Minutes of the Board of Licking Township Trustees, Regular Meeting held at the Fire Co., Station 3, Jacksontown, OH at 7:30 p.m., on October 5, 2015.

Mr. Hart called the meeting to order with the following members present: Joseph Hart, John Holman, Dave Miller, and Andrea Lynch.

Others Present: Bert Blair; Rhonda Blair; Kelcie Luper; Forrest Cooperrider; Mike Wilson; Scott Rawdon; Steve Patterson.

The Pledge of Allegiance was recited.

Minutes from the previous meeting were read, approved, and signed by the Trustees.

Mr. Holman made a motion to approve the expenditures totaling \$57,086.21

Mr. Miller seconded the motion.

Roll Call: Hart, yes; Holman, yes; Miller, yes

There are funds on hand or in the process of collection to pay the attached listed bills. _____, Fiscal Officer.

CORRESPONDENCE:

1. OPEC Medicare Part D Mandatory Notice
2. Memo from LC Pros re: Levy Deadline for March 2016 is 12/16/15
3. Email from LC Engineer Bill Lozier re: Road Salt Settlement
4. LCPC Notice re: Public Hearings for deed restrictions and reorg
5. Thank you note from Mr. & Mrs. Gerald Moore re: Mildred Ryan
6. LCPC Letter re: Jacktown Pub replat

The Board discussed the proposal submitted by Facility Dudes and determined that there was no interest to pursue at this time. Mrs. Lynch will communicate this to their representative on 10/06/15.

Mike Wilson gave the Fire Company report. For the month of September there were 99 runs which consisted of 84 EMS and 15 Fire bringing the YTD total to 853 runs. Chief Wilson updated the Board on recent equipment testing, Shriner's Grant has been closed out, and indicated that there were a total of 2 runs from the last concert at Legend Valley. Chief Wilson stated that Captain Kyle Weekly is heading up the fire truck committee, anticipates having specs for presentation in November, and anticipates that the specs will exceed the FEMA grant amount of \$275,000.00. A discussion took place.

Forrest Cooperrider gave the Zoning report. There were a total of 2 permits issued in September totaling \$175.00 consisting of the following:

Wendell Arthur - Ryan Road - Addition - \$50.00 (reported earlier)
William Writesel - Lexington Ave - Modular - \$125.00

Steve Patterson announced that after 21.233 years, he will retire on 02/01/16. The Board thanked Mr. Patterson for his years of service.

Mr. Miller thanked the Road Dept. for recent mowing and berming, indicated that Shelly Company is done with paving and striping, and LC Engineer's office will survey the Jacksontown Cemetery date TBD. Mr. Miller stated that LC Engineer's office will be providing a quote on Cormican Way and Pierce due to sewer project repairs.

Mr. Hart inquired about the status of the tree removal agreement by Dawes. Mr. Holman indicated that when the agreement was given to Dawes, they indicated a start date in the winter.

Mr. Hart moved the adoption of the following:

**RESOLUTION AUTHORIZING ENTERING INTO ANNEXATION AGREEMENTS
WITH THE CITY OF HEATH, OHIO**

Whereas, the Board of Licking County Commissioners, pursuant to O.R.C. §709.023, granted an Expedited Type II Annexation for 32.615 acres of land from the Township to the City of Heath on or about March 26, 2004 [Commissioners Journal No. 44-156], and an Expedited Type II Annexation for 117.785 acres of land from the Township to the City of Heath on or about April 6, 2006 [Commissioners Journal No. 51-51]; and,

Whereas, O.R.C. §709.192, allows the legislative authority of a municipal corporation, by ordinance or resolution, and the board of township trustees, by resolution, to enter into an annexation agreement; and,

Whereas, O.R.C. §709.192(C)(15) provides that a municipal corporation and a township may enter into an annexation agreement for any other matter pertaining to annexation or development of publicly or privately owned land; and,

Whereas, the River Oaks Homeowners Association has requested the Township consider entering into an annexation agreement with the City of Heath with regard to the levying of taxes by the Township against the real properties located within the 32.615 acres of land; and

Whereas, Evan Barton, the owner of record of the 117.785 acres of land, as requested the Township consider entering into an annexation agreement with the City of Heath with regard to the levying of taxes by the Township against the real property located within the 117.715 acres of land; and,

Whereas, the Township does not currently provide road maintenance to any public road located either within the 32.615 acres of land or within the 117.785 acres of land; and,

Whereas, the Township is not currently the primary source of fire and EMS services to the residents located within the 32.615 acres of land or within the 117.785 acres of land; and,

Whereas, the Township is amenable to the cessation of levying taxes by the Township against the real properties located within the 32.615 acres of land and the real property located within the 117.785 acres of land, whether said taxes be in the nature of inside millage imposed by the Township or outside millage imposed by the township; and,

Whereas, O.R.C. §709.192(B) allows an annexation agreement to be entered into for any period of time, and O.R.C. 709.192(C)13 permits such an agreement to change township boundaries to exclude annexed territory from the township, and O.R.C. 709.192(H) provides that the annexation process associated with annexation agreements to be liberally construed,

NOW THEREFORE, be it **RESOLVED**, by the Board of Licking Township Trustees, Licking County, Ohio, that the Board hereby approves entering into annexation agreements [attached hereto] with the City of Heath, Ohio; and,

THEREFORE, 32.615 acres of land and the 117.785 acres of land shall for all purposes be treated as removed from the Township and upon the Board of County Commissioners resolution adopting this Agreement the Township boundaries shall be conformed accordingly.

Mr. Miller seconded the motion.

Roll Call: Holman, yes; Miller, yes; Hart, yes.

Mr. Hart moved the adoption of the following:

**ANNEXATION AGREEMENT
BETWEEN
THE CITY OF HEATH, OHIO
AND
LICKING TOWNSHIP, LICKING COUNTY, OHIO**

This Annexation Agreement [“Agreement”] is made between The City of Heath, Ohio, [“City”] and the Board of Licking Township Trustees, Licking County, Ohio, [“Township”] pursuant to the provisions of O.R.C. §709.192.

Whereas, a petition and map for an Expedited Type II Annexation pursuant to O.R.C. §709.023 for 32.615 acres of land from the Township to the City was filed with the Board of Licking County Commissioners [“Commissioners”] on or about March 1, 2004 [Commissioners Journal No. 44-41]; and,

Whereas, the Expedited Type II Annexation for 32.615 acres was granted by the Commissioners on or about March 29, 2004 [Commissioners Journal No. 44-156]; and,

Whereas, O.R.C. §709.192, allows the legislative authority of a municipal corporation, by ordinance or resolution, and the board of township trustees, by resolution, to enter into an annexation agreement; and,

Whereas, O.R.C. §709.192(C)(15) provides that a municipal corporation and a township may enter into an annexation agreement for any other matter pertaining to annexation or development of publicly or privately owned land; and,

Whereas, the Township does not currently provide road maintenance to any public road located on or within the 32.615 acres of land and furthermore does not currently provide the primary fire and EMS protection services to the residents residing on or within the 32.615 acres of land; and,

Whereas, the City provides the maintenance for the public roads located on or within the 32.615 acres of land and furthermore is the primary source of fire and EMS services to the residents residing on or within the 32.615 acres of land; and,

Whereas, the Township desires to cease the collection of any and all taxes currently levied by the township, whether said taxes be in the nature of inside millage or outside millage, on the real property located on or within the 32.615 acres of land; and,

Whereas, O.R.C. §709.192(B) allows an annexation agreement to be entered into for any period of time, and O.R.C. 709.192(C)13 permits such an agreement to change township boundaries to exclude annexed territory from the township, and O.R.C. 709.192(H) provides that the annexation process associated with annexation agreements to be liberally construed; NOW, THEREFORE, the City and the Township do hereby mutually enter into this Annexation Agreement, pursuant to O.R.C. §709.192(C)(15), whereby the Township will forego any and all inside millage and outside millage levied against the real property located on or within the 32.615 acres of land; and,

THEREFORE, this 32.615 acres of land shall for all purposes be treated as removed from the Township and upon the Board of County Commissioners resolution adopting this Agreement the Township boundaries shall be conformed accordingly.

This Agreement shall become effective as of December 31, 2015.

Mr. Holman seconded the motion.

Roll Call: Hart, yes; Holman, yes; Miller, yes.

Mr. Hart moved the adoption of the following:

**ANNEXATION AGREEMENT
BETWEEN
THE CITY OF HEATH, OHIO
AND
LICKING TOWNSHIP, LICKING COUNTY, OHIO**

This Annexation Agreement [“Agreement”] is made between The City of Heath, Ohio, [“City”] and the Board of Licking Township Trustees, Licking County, Ohio, [“Township”] pursuant to the provisions of O.R.C. §709.192.

Whereas, a petition and map for an Expedited Type II Annexation pursuant to O.R.C. §709.023 for 117.785 acres of land from the Township to the City was filed with the Board of Licking County Commissioners [“Commissioners”] on or about February 27, 2006 [Commissioners Journal No. 50-368]; and,

Whereas, the Expedited Type II Annexation for 117.785 acres was granted by the Commissioners on or about April 6, 2006 [Commissioners Journal No. 51-51]; and,

Whereas, O.R.C. §709.192, allows the legislative authority of a municipal corporation, by ordinance or resolution, and the board of township trustees, by resolution, to enter into an annexation agreement; and,

Whereas, O.R.C. §709.192(C)(15) provides that a municipal corporation and a township may enter into an annexation agreement for any other matter pertaining to annexation or development of publicly or privately owned land; and,

Whereas, the Township does not currently provide road maintenance to any public road located on or within the 117.785 acres of land and furthermore does not currently provide the primary fire and EMS protection services to the residents residing on or within the 117.785 acres of land; and,

Whereas, the City provides the maintenance for the public roads located on or within the 117.785 acres of land and furthermore is the primary source of fire and EMS services to the residents residing on or within the 117.785 acres of land; and,

Whereas, the Township desires to cease the collection of any and all taxes currently levied by the township, whether said taxes be in the nature of inside millage or outside millage, on the real property located on or within the 117.785 acres of land; and,

Whereas, O.R.C. §709.192(B) allows an annexation agreement to be entered into for any period of time, and O.R.C. 709.192(C)13 permits such an agreement to change township boundaries to exclude annexed territory from the township, and O.R.C. 709.192(H) provides that the annexation process associated with annexation agreements to be liberally construed; NOW, THEREFORE, the City and the Township do hereby mutually enter into this Annexation Agreement, pursuant to O.R.C. §709.192(C)(15), whereby the Township will forego any and all inside millage and outside millage levied against the real property located on or within the 117.785 acres of land; and,

THEREFORE, this 117.785 acres of land shall for all purposes be treated as removed from the Township and upon the Board of County Commissioners resolution adopting this Agreement the Township boundaries shall be conformed accordingly.

This Agreement shall become effective as of December 31, 2015.

Mr. Miller seconded the motion.

Roll Call: Miller, yes; Hart, yes; Holman, yes.

Bert Blair addressed the Board concerning his landlocked property on Zanesville Avenue. Mr. Blair indicated that after the last LTWP Board meeting, he returned to the LC Engineer's office and was told that their office needs a request from the LTWP Board of Trustees to survey the road. Mr. Hart stated that it is his opinion that Mr. Blair seek legal advice as LTWP has no jurisdiction in the matter. Mr. Miller read an email from LC Assistant Engineer Kurt Simross dated 10/02/15 which indicates that the north portion of Avondale appears on the plat map but has not been established nor accepted by public authority therefore they have no obligation to maintain or keep open the road. Mr. Miller stated that he will follow-up with the LC Engineer's office regarding why they told Mr. Blair that the Board needs to make a request. A discussion took place.

Mr. Miller made a motion to adjourn the meeting at 8:50 p.m.
Mr. Holman seconded the motion.
Roll Call: Hart, aye; Holman, aye; Miller, aye.

Attest

October 5, 2015 Minutes