

PRAIRIE TOWNSHIP BOARD OF TRUSTEES

23 MAPLE DRIVE REGULAR MEETING/AUGUST 21, 2002

The regular meeting of the Prairie Township Board of Trustees was called to order by the Chairman, Mr. Nourse, with Mr. Wharton, Ms. Keller and Ms. Easter present. Also attending were: Chief Lavelly, Dave McAninch and Elizabeth Anderson. (See attached list).

Mr. Nourse lead the Pledge of Allegiance.

Mr. Nourse moved, Ms. Keller seconded the Board approve the minutes as written for the regular meeting of August 7, 2002. Vote; Aye.

This meeting was designated as a public hearing to consider the following application:

Application: 160-RZ-02
Location: Property between Inah Avenue and Norton Road on both the north and south side of Owen Street
Owner: Elliott D. & Samuel M. Baker,
Harriet B. Levin
Robert W. and Beverly J. Sterling
Applicant: M/I Schottenstein Homes
Request: Rezone from R-4 to Exceptional Use (EU), the lots located between Inah Avenue and Norton Road on both the north and south side of Owen Street, Columbus, Ohio 43228 and being lots 52, 53, 46 and parts of lots 28, 29, and 47, lot 30, 31, 32, 33, 48, 49, 50 and 51, approximately 12+/- acres.

The Chairman administered the oath of persons wishing to testify.

Elizabeth Anderson, Zoning Inspector, presented the rezoning request to the Board.

On July 23, 2002, the Prairie Township Zoning Commission voted to recommend approval of Application 160-RZ-02 by a unanimous vote.

Ms. Anderson stated that the applicant wants to rezone from R-4 to EU (Exceptional Use). The Zoning Inspector stated that property is approximately 12 acres, housing is proposed between Inah Avenue, Owen Street and Norton Road mostly to the north, somewhat to the south. They are looking to put in 68 lots, 5.7 units per acre. The developer would be tightly bound to the plans submitted and value of homes would be approximately \$120,000-145,000 homes with 2 car garages. The only road would be from Owen Avenue and no ingress or egress from Norton Road. There is a 40-45' street frontage proposed and approximately 120' depth.

Mr. Jeffrey L. Brown, Attorney with Smith and Hale, appeared on behalf of Jack Reynolds. Mr. Brown stated there would be fire hydrants in the area with the main coming off of Norton Road. Mr. Nourse stated that Captain Sanders has reviewed a similar development in Hilliard and was satisfied that the fire equipment would have no problem navigating the roads. Ms. Keller asked if Owen Street would have sidewalks. Mr. Brown stated that there would be sidewalks installed on Owen Street and Inah Avenue on the side of the development. The development will stay in Prairie Township.

Mr. Nourse moved, Mr. Wharton seconded, to accept the Zoning Commission's recommendation and approve rezoning from R-4 to Exceptional Use, the lots located between Inah Avenue and Norton Road on both the north and south side of Owen Street, Columbus, Ohio 43228 and being lots 52, 53, 46 and parts of lots 28, 29, and 47, lot 30, 31, 32, 33, 48, 49, 50 and 51, approximately 12+/- acres. Roll call vote resulted as follows: Mr. Wharton; Aye, Ms. Keller; Aye, Mr. Nourse; Aye. (Resolution 15-02).

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The Clerk presented the following items:

1. The Clerk presented a bond for Jason Thomas, Zoning Clerk, in the amount of \$2,000.00.

Mr. Wharton moved, Ms. Keller seconded the Board approve and sign the \$2,000.00 continuous bond for Jason Thomas, Zoning Clerk. Vote; Aye.

2. The Clerk presented Pay Request #5, approved by Franklin County, for the 2001 Road Improvement Project in the amount of \$8995.82 for Miller Pavement Maintenance.

Mr. Nourse moved, Mr. Wharton seconded the Board approve Pay Request #5 for the 2001 Road Improvement Project in the amount of \$8,995.82. Vote; Aye.

3. The Clerk presented a 2002 CDBG Application for Roadway Improvements in Lincoln Village North, including 5 streets (Proposal No. 40P00047) from Feller, Finch & Associates for a lump sum fee of \$1,500.00 for preparation and filing. Elie Sabbagh estimated the amount of assistance to be between \$30,000 and \$50,000. Lincoln Village North is a target area for Community Development Block Grant money. The application is due early November 2002.

Ms. Keller moved Mr. Wharton seconded the Board approve Feller Finch & Associates prepare and file a 2002 CDBG application for Roadway Improvements in Lincoln Village North (Proposal No. 40P00047) in the amount of \$1,500.00. Vote; Aye.

4. The Clerk presented a 2002 OPWC Round 17 Application for Medfield Way and 2003 Handicap Ramp Improvements (Proposal No. 40P00046) from Feller, Finch & Associates for a lump sum fee of \$1,500.00 for preparation and filing. The application is due by October 7, 2002.

Ms. Keller moved, Mr. Wharton seconded the Board approve Feller, Finch & Associates prepare and file a 2002 OPWC Round 17 Application for Medfield Way and 2003 Handicap Ramp Improvements (Proposal No. 40P00046). Vote; Aye.

Mr. Nourse stated a bill has been received from MORPC (Mid-Ohio Regional Planning Commission) for approximately \$3,000.00 for services rendered in planning for the Hilton Avenue Project. Dave McAninch, Road Superintendent and Elie Sabbagh, Feller, Finch & Associates, are not aware of any activity by MORPC on this project.

Mr. Nourse moved, Ms. Keller seconded the Board approve the following appropriation: Vote; Aye.

\$9,712.00 from General 1000-610-599-0000 to 1000-760-730-0000
\$57,000.00 from General 1000-930-930-0000 to 1000-760-730-0000
\$5,000.00 from General 1000-930-930-0000 to 1000-120-420-0000

5. The Clerk presented the Board with "Pay Request Number 2" in the amount of \$189,329.71 from Darby Creek Excavating for the Hilton Avenue Project. The request was approved by Bischoff & Associates and requires the signature of the Chairman of the Board of Trustees to submit to OPWC and CDBG.

Ms. Keller moved, Mr. Wharton seconded the Board approve Pay Request Number 2 from Darby Creek Excavating in the amount of \$189,329.71 for the Hilton Avenue Project and approve the Chairman to sign. Vote; Aye.

6. The Clerk presented an Ohio Public Works Commission Disbursement

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Request Number 2 on the Hilton Avenue Project. The request is for \$132,530.80 which is 70% of Pay Request Number 2, as mentioned above, and is to be paid directly to Darby Creek Excavating.

Mr. Nourse moved, Ms. Keller seconded the Board approve the Chairman to sign the Disbursement Request #2 to Ohio Public Works Commission in the amount of \$132,530.80 for the Hilton Avenue Project. Vote; Aye.

7. The Clerk presented a Community Development Block Grant (CDBG) request for payment Number 2 on the Hilton Avenue Project. The request is for \$15,146.38 which is 8% of Pay Request Number 2 and is paid to Prairie Township and Prairie Township will in turn pay Darby Creek Excavating.

Ms. Keller moved, Mr. Nourse seconded the Board approve the Chairman to sign the Community Development Block Grant (CDBG) request for payment Number 2 on the Hilton Avenue Project. The request is for \$15,146.38 which will be paid directly to Prairie Township and in turn Prairie Township will pay Darby Creek Excavating. Vote; Aye.

8. The Clerk requested a motion from the Board of Trustees to transfer \$41,652.53 from the General Fund to the Hilton Avenue Road Improvement Fund and make payment of the same to Darby Creek Excavating as the Township share of pay request #2.

Mr. Nourse moved, Ms. Keller seconded the Board approve the transfer of \$41,652.53 from the General Fund to the Hilton Avenue Road Improvement Fund and the payment of the same to Darby Creek Excavating as the Township share of pay request #2. Vote; Aye.

Mr. Wharton moved, Ms. Keller seconded the Board approve the Clerk establish a savings account with National City Bank in the amount of \$15,774.66 for retainage on the Hilton Avenue Project for Darby Creek Excavating. Vote; Aye.

Mr. Wharton moved, Ms. Keller seconded the Board approve the Clerk establish a Lock Box with National City Bank for EMS billing purposes at a monthly base rate of \$35.00 per month. Vote; Aye.

Ms. Keller moved, Mr. Wharton seconded the Board approve the Clerk, Kathleen Easter and Secretary, Donetta Brock, enroll for the Online Banking service with National City Bank. There is no charge for this service. Vote; Aye.

After the Trustees viewed the pending warrant list, Ms. Keller moved, Mr. Wharton seconded the Board approve the payment of the ADP payroll in the amount of \$65,386.03 and approve payment of the following bills (see pending warrant list).

Dave McAninch, Road Superintendent, addressed the Board with the following Road Department matters:

1. Repairs to the storm pipes at Lake Darby which outlet to Darby Creek, which are causing erosion problems, were discussed. The work is contingent on the Township obtaining work agreements and right of entry agreements with the adjoining property owners. Samples of the agreements from Franklin County were presented. Franklin County has prepared an estimate, the final cost will be based on the actual work performed. The estimated cost to repair one pipe at 895 Lakefield to be \$8,146.82 including 10% contingency for any unforeseen problems.

Mr. Nourse moved, Mr. Wharton seconded the Board approve the repair of one storm pipe in Lake Darby at 895 Lakefield at an estimated cost of \$8,146.82, the final cost will be based on the actual work performed, including 10% contingency for any

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unforeseen problems. Vote; Aye.

- 2. The second storm pipe in Lake Darby to be repaired has been reviewed by the Franklin County Engineers. The Engineers request the Board of Trustees determine the method of entry preferred before an estimate is prepared. Mr. McAninch recommended option C, thru the driveway of the water treatment plant and behind 8 homes, which is as minimally intrusive as possible. A work agreement will be required of one property owner and the water company. Option C is preferred by the Board and an estimate will be presented when available.
- 3. The Road Superintendent presented a revised 2003 Maintenance Schedule including curb replacement, overlay, crack seal and handicap intersections after discussions with the Franklin County Engineers department and a desire to look at the work planned for 2003.

Mr. Nourse moved, Ms. Keller seconded the Board accept the revised 2003 Maintenance Schedule as presented. Vote; Aye.

- 4. Dave McAninch presented estimates to seal the two Fire Stations and the Township Hall. Jamie Tickle, Franklin County Engineers department in charge of resurfacing projects, recommended the application of GSB-88 again this year. Ohio Pavement Systems, Inc. was the vendor in 1999 and their unit price remains the same with this estimate (0.75/square yard). The restriping will be done internally. The breakdown is as follows:

Inah Avenue Fire Station	\$2,112.75
Hubbard Fire Station to include the service road	\$2,937.75
Township Hall, 23 Maple Dr.	<u>\$ 831.75</u>
TOTAL:	<u>\$5,882.25</u>

Mr. Nourse moved, Mr. Wharton seconded the Board approve Ohio Pavement Systems, Inc. to resurface the Inah Avenue and Hubbard Road Fire Stations, including the service road, and the Township Hall at a total cost of \$5,882.25. Vote; Aye.

- 5. A mosquito program update: Trapping for the Board of Health has been conducted for the past 4-6 weeks. Numerous residents have volunteered to have traps set on their property, unfortunately the Franklin County Board of Health is only going to collect until the second week of September. A list is being compiled of volunteers for future years. The Board of Health recommended a second round of fogging one week after the completion of the first round, starting the evening of 8/22/02. The most effective way to control mosquitos is to educate the public about breeding sites and killing mosquitos before they become adults.

A resident was concerned about the new housing developments by Columbus with retention ponds and water that is aerated. Mr. Nourse stated that under NPDES Phase II, he feels that Prairie Township will ultimately control the ponds and the Township will address the situation at that time.

- 6. Dave McAninch presented a list of costs involved in repairing the ditch at Stiles Elementary. The job is 90% complete and pictures will be available next meeting. The total cost for the job is \$3,065.56 with the majority of the cost being for man hours and equipment. The Principal at the school is satisfied with the repair.
- 7. An emergency call was made to Peterman Tree & Lawn Service to remove a limb that was down in the town of Alton. Two trustees were contacted and

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verbal approval was given.

Mr. Nourse moved, Ms. Keller seconded the Board approve Peterman Tree and Lawn Service remove a limb in the town of Alton at a total cost of \$150.00. Vote; Aye.

Ms. Keller explained a situation where two sisters that had two infant babies pass away the same year. The lots were sold as a north half and a south half. The lady in the north half has her deed. The south half has a baby buried there and there is a record of the burial. Permission was requested to re-issue a deed for the south half of the lot (Section 5, Lot 23, Galloway cemetery).

Ms. Keller moved, Mr. Nourse seconded the Board approve the re-issuance of the deed to Patricia Jones, Section 5, Lot 23, Galloway cemetery. Vote; Aye.

8. The Road Superintendent stated that the park equipment will be delivered next week and installed in September. Franklin County has staked the right-of-way. Installation of the sidewalks will start next week. There is a problem with bushes at Kellybrook and Conbrook and there may be a problem with a privacy fence on Canyon Cove. Mr. Nourse recommended the Road Superintendent get permission from the property owner to remove the bushes. The fence will be addressed when the area is re-staked by Franklin County.

Mr. Nourse asked Dave McAninch about the sanitary sewer on Rome Heights and the alley behind Postle. Dave McAninch will check with Tom Shockley about installing a guardrail in this area. Dave will advise the Board next meeting.

Mr. Nourse asked the Road Superintendent if the standing water problem has been addressed in Carl West's backyard on Annhurst Road. Elevation shots have been taken and the most direct route to access the property is on the west side of the property and the neighbor to the east. Mr. McAninch is concerned about a large tree in the area and disturbing the roots. Dave McAninch recommended involving Elie Sabbagh, an engineer with Feller, Finch and Associates. Mr. Nourse asked Mr. Sabbagh to look at the best way to solve the problem on this property from an engineering standpoint. This is the last site identified by the Franklin County Board of Health as a mosquito breeding ground.

Mr. Mike Stakely asked about the saw horses on Murray Hill Road and Annhurst Road. Dave McAninch stated that this is an existing coffin box that is being replaced by a standard catch basin and has asked Shelly & Sands to prepare a price to make the repair in conjunction with the 2002 Road Improvement Project.

Ms. Keller stated that Ms. Shelly Davis called today about the status of the investigation on the stormwater problem on Rome Hilliard Road. Dave McAninch stated that everything in the Franklin County and the Township right-of-way is clear. Sixty to eighty feet outside of the last Township structure an obstruction was hit and Franklin County is in the process of putting a locator in and will contact the City of Columbus or the State to do whatever maintenance is needed to clear the obstruction. Dave McAninch hopes to have an answer at the next meeting on the progress.

Mr. Jim Kennedy requested the Board install an additional "no-outlet" sign on Tamara Avenue. The Board has no objection to the additional sign and Dave McAninch will handle the installation.

Mr. Nourse stated that the meeting on September 18th will be held at the Hubbard Road Firehouse at 7:00 p.m. and the placement of the park equipment and shelter houses will be discussed at that time.

Mr. Wharton has spoken with Mike Long, SWACO concerning the rubberized surfaces in the parks. The pre-proposal, written by SWACO, is due by the end of the month and Mr. Wharton will submit this for the Township. Mr. Wharton is looking

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for an avenue for funding the tracks in the parks in Lake Darby.

Mr. Ison addressed the Board and stated that Little Farms could use a few small parks also. Mr. Nourse stated that the parks in Lake Darby are established parks and when the Township is interested in purchasing property they will look at the Little Farms area. The Deerfield Road and Beacon Hill parks will be addressed with the Residents Association for the area in the future.

Chief Lavelly appeared before the Board with the following Fire Department matters:

1. Chief Lavelly thanked the Board of Trustees for their efforts and condolences last week.
2. The Prosecutors Office has approved the specifications for the new medic truck and the cost is estimated to be \$151,000 for the truck and \$6,300 for radios and installation. The legal advertisement was discussed and the notice will be published Saturday, August 31st and September 7th. The bids will be received at Station 241 until noon on September 18th. The bids will be opened on September 18th at the Hubbard Road Firehouse at 7:00 p.m.

Mr. Nourse moved, Ms. Keller seconded the Board approve the legal advertisement to run in the Columbus Dispatch on August 31st and September 7th for the medic truck. The bids will be opened on September 18th at 7:00 p.m. at the Hubbard Road Firehouse. Vote; Aye.

3. The Chief updated the Board on the reporting system required by the State of Ohio and computer equipment that is being used by Norwich and Washington Townships. The Fire department is watching this system closely in these Townships. Chief Lavelly will look into a joint price with other Townships.

Mr. Nourse stated that as a result of the Columbus Fire Department accident with their ladder truck and the brake failure, he has received inquiries from residents regarding the Township inspection procedures. The Prairie Township Fire Department has brake inspections done bi-monthly and reports on these inspections were presented to the Board by Chief Lavelly.

Elizabeth Anderson, Zoning Inspector, appeared before the Board with the following Zoning Department matters.

1. The Zoning Inspector addressed the Board and explained how the Zoning Department and the Clerk's office handles noxious weed complaints and the appeal process.

Mr Ison addressed the Board and stated that he has received three letters from the Township regarding noxious weeds on his property and asked for a definition on noxious weeds. The definition and determination of noxious weeds was explained and discussed. Ms. Keller explained that she visited Mr. Ison's property and identified the noxious weeds and a discussion followed. Ms. Keller stated that she feels Mr. Ison is using a rationalization for a pile of weeds. Mr. Ison decided he would be civilly disobedient and we have a civil disagreement. This issue will go before the Board of Zoning Appeals and he extended an invitation to the BZA to view his property.

Ms. Lucinda Cain, 4800 Amesbury Way, asked the Board why the abutting property owner has to sign their name to the noxious weed complaint. She would rather not be identified. Mr. Nourse explained that the Ohio Revised Code requires a written complaint from an abutting property owner.

Mr. & Mrs. Ken Viers, 444 Redmond Road, addressed the Board regarding a violation letter that was received from the Zoning Department requesting the

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recreational vehicle be moved 15' back from the edge of the road right of way. The residents stated that HER Realtors did not make them aware of the zoning requirements. They were told there were no restrictions on the property when purchased. Mr. Nourse stated that the zoning laws were established in 1981 and passed by the Franklin County Development Department. Any appeals will go before the Board of Zoning Appeals.

2. Elizabeth Anderson addressed the Board concerning the backlog of court cases getting through the legal system. The rural zoning changes were due last Wednesday from Loveland & Brosius, Township legal counsel, and they have not been received. The Zoning Inspector and Teresa Keller, Trustee, met with Mr. Stan Smith, an attorney in Grove City. Jackson Township recommended Mr. Smith, they were previously dealing with Loveland & Brosius. The references for Mr. Smith were checked and timeframes indicated for contempt of court cases and original filing actions were impressive. Ms. Keller is interested in trying some legal cases with Mr. Smith, that have been backlogged. Mr. Nourse discussed an option of having a Law Director on staff. Mr. Nourse cited the current backlog, with the new annexation law in place, and past success with Loveland & Brosius with legal cases. Elizabeth Anderson will prepare a RFI or a request for interest. The billable rate for Mr. Smith is \$125.00 per hour which is comparable to the fee charged by Loveland & Brosius.

Mr. Nourse moved, Ms. Keller seconded the Board approve hiring Mr. Stan Smith, Attorney at Law, at a cost of \$125.00 per hour. Total cost not to exceed \$1,250.00 (10 hours). Vote; Aye.

3. The Zoning Inspector informed the Board that a meeting took place between Elizabeth Anderson and Teresa Keller with several companies including ACP Planning Company, regarding rural changes to the Township zoning code. This is an exploration period and there is no cost at this time.

Ms. Keller explained the Franklin County NPDES (National Pollutant Discharge Elimination System) Phase II Cooperative Agreement dated August 2, 2002 and presented the same for signature by the Chairman. All Townships in Franklin County are joining together with Franklin County to compile a 5 year plan for pollutant discharge elimination. Ms. Keller, the Prairie Township representative, requested Mr. Nourse sign the agreement authorizing Prairie Township to participate. Mr. Nourse is in favor of standardizing procedures throughout the County and also sharing the project workload among participants.

Mr. Wharton moved, Ms. Keller seconded the Board approve Mr. Nourse, Chairman, sign the Franklin County NPDES Phase II Cooperative Agreement dated August 2, 2002. Vote; Aye.

4. The Zoning Inspector requested the Board upgrade the Field Inspector's computer with a Dell Computer including a software package.

Ms. Keller moved, Mr. Wharton seconded the Board approve the purchase of a computer for the Field Inspector from Dell Corporation including a software package at a total cost of \$2,500.00. Vote; Aye.

Mr. Nourse stated that Office Depot who continues to own property in the Lincoln Village plaza, has an agreement that no exercise facilities will exist within the plaza. In the realm of a Senior Citizen center, Mr. Nourse is discussing the definition of an exercise facility with Nationwide and Office Depot.

Mr. Jeff Brown, representing Lutheran Social Services, addressed the Board regarding the proposed development by the City of Columbus on the northwest corner of Sullivant Avenue and Inah Avenue. The proposal is for a 2 story brick elderly

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housing apartment complex with six 46 units. Mr. Brown requested a second curb cut on Inah Avenue to service the dumpster station. Discussions have taken place with the Westland Area Commission, Franklin County Engineer and Prairie Township. Mr. Brown would like to bring closure to this issue. One curb cut on Inah Avenue has previously been approved by Prairie Township to meet the reasonable access requirement. Mr. Nourse stated reservations that Prairie Township has with the increased traffic on this road and the 60% road reduction on Inah Avenue. Mr. Nourse stated that the City of Columbus talks a good line about regional cooperation and multi-jurisdictional assistance. This is an instance basically where Columbus wants what they want and forget about the rest of you. Mr. Nourse is interested in protecting the Township road for Township use.

Mr. Nourse moved, Ms. Keller seconded the Board approve only the single access on Inah Avenue for the Elderly Housing Development by the City of Columbus at the northwest corner of Sullivant and Inah Avenues. Roll call vote resulted as follows: Mr. Wharton; Aye, Ms. Keller; Aye, Mr. Nourse; Aye.

Mr. Ison addressed the Board and stated that he attended the Franklin County Board of Zoning Appeals meeting on August 19, 2002. The discussion at this meeting was about filling the flood plain at Roberts Road and Alton Darby Creek Road. Mr. Ison suggested that Pleasant Township, Prairie Township and Norwich Township join forces and form a coalition to bring about change and have the dirt taken out and repairing the floodplain as it was before the fill. Mr. Ison also attended the Franklin County Commissioners meeting on Tuesday, August 20th and opposed all the annexations that were heard and he will continue to attend these meetings.

There being no further business to come before the Board, the meeting was adjourned at 9:55 p.m.

Chairman

Clerk