

PRAIRIE TOWNSHIP BOARD OF TRUSTEES

23 MAPLE DRIVE

REGULAR MEETING/MARCH 19, 2003

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

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

Application: 162-RZ-03  
Location: South of the Westpoint subdivision, north of the Conrail track and east of Hubbard Road.  
Owner: Davis & Son Inc.  
Applicant: M/I Schottenstein Homes  
Request: Rezone from R-8 to R-6

The Chairman administered the oath to persons wishing to testify.

Jim Strunk, Zoning Inspector, presented the rezoning request to the Board. The rezoning is a down zoning. The developer wishes to continue the single family use and the current zoning would be incompatible with current development trends. The Prairie Township Zoning Commission has voted unanimously to approve this rezoning. Ms. Keller clarified that this rezoning is a decrease in density. Proposed density for R-8 is 6 dwelling units per acre and R-6 reduces the dwelling units to 4 dwelling units per acre. Mr. Jack Reynolds, attorney with Smith & Hale, spoke on behalf of both Davis & Sons, the property owners as well as the applicant; M/I Schottenstein Homes. Mr. Reynolds further explained that the area is a 74.3 acre tract. M/I took over from Davis and Sons several years ago in an attempt to "finish off" the development at Westpoint. The preliminary plat process has begun on Phase III, which would be an additional 118 lots just south of the current development and all development north is R-6. The preliminary plat will allow for the extension of Soldier Drive into Military Drive allowing the secondary access that the Trustees have requested. Community open space has been reserved to either dedicate to Prairie Township or the Home Owners Association. Ms. Keller stated that the decrease in density and attempt to filter stormwater is appreciated.

Ms. Keller moved, Mr. Nourse seconded the Board uphold the Zoning Commission decision and approve application 162-RZ-03. Roll call vote resulted as follows: Mr. Nourse; Aye, Mr. Wharton; Aye, Ms. Keller; Aye. (Resolution 3-03)

Ms. Keller led the Pledge of Allegiance.

Mr. Nourse moved, Mr. Wharton seconded the Board approve the minutes of the regular meeting of March 5, 2003 and the special meeting of March 6, 2003 as written. Vote; Aye.

The Clerk presented the following items:

1. The Clerk presented a request to purchase a complete set (3 trustees, 1 clerk, 1 personnel) of the Township Sourcebook Series at a total cost of \$79.00. Mr. Nourse would like to purchase two sets of the books and display one set in the lobby of the Township Hall.

Ms. Keller moved, Mr. Nourse seconded the Board approve the Clerk purchase two complete sets of the Township Sourcebook Series at a total cost of \$154.00. Vote; Aye.

2. The Clerk extended an invitation from the Franklin County Board of Health to attend their annual District Advisory Council Meeting and Dinner on March 26, 2003 at 6:00 p.m.

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3. The Clerk presented a liquor permit transfer request from Black Cat Lounge Inc. DBA My Place, 5159 W. Broad Street to Buzz Off Ltd, DBA My Place Lounge at the same address. No hearing was requested.

After the Trustees reviewed the pending warrant list, Ms. Keller moved, Mr. Wharton seconded the Board approve the payment of the ADP payroll in the amount of \$65,856.24 and approve payment of the following bills. Vote; Aye. (See pending warrant list).

Mr. James Strunk, Zoning Inspector, appeared before the Board with the following Zoning Department matters:

1. Mr. Strunk reported that 27 violation letters have been sent out since the last meeting.
2. The 8604 Edgewater case was in Environmental Court on March 10 with Attorney Stan Smith. The judgment entry consists of removing the address from the yellow pages as a business listing, no parking or storage of large trucks on the premises, removal of an inoperable or unlicensed van on the premises within 30 days and no parking or storage of any vehicles with commercial license plates on the premises after 90 days. The defendant is not permitted to use any vehicles parked or stored on the premises in the courier business.
3. Regarding the Tad Hay case, Judge Harlin Hale has removed himself from the case and the new judge will be Judge Snyder and we are awaiting a spot on his docket.
4. The appeal of the Zoning Inspector before the Board of Zoning Appeals by Mr. James Lowe, 133 Postle Blvd., has been denied and Mr. Strunk requested permission from the Board to pursue legal action to have Mr. Lowe remove his recreation vehicle from the easement. Mr. Nourse stated that he is interested in criminalizing sections of the zoning code in an effort to recoup legal fees. Mr. Strunk feels that the decision handed down from the Ohio Supreme Court in the Tad Hay case will be helpful.

Ms. Keller moved, Mr. Wharton seconded the Board approve the Zoning Inspector pursue legal action on the Mr. James Lowe, 133 Postle Blvd. case. Vote; Aye.

5. Mr. Strunk stated that two applications for rezoning have been submitted to the zoning office for review. The Planning Commission will review the applications on April 10th. One application is for a rezoning to Select Commercial Planned District (SCPD) and compliance waivers may be required. The compliance waivers to be included in the rezoning application, may be deferred, giving the developer time to develop a study and submit it to the Township.
6. The zoning resolution amendment has been printed and recorded at the Franklin County Records office.
7. On March 25<sup>th</sup> at 3:30 p.m. at the Township Hall, a planning and brainstorming session is scheduled for a comprehensive plan open house to present the plan at this time. The Open House is scheduled for April 10<sup>th</sup> at 7:00 p.m. at the Township Hall. Mr. Tracy Hatmaker has sent the working papers for the comprehensive plan to the trustees for comments. The tentative public hearing and plan adoption is scheduled for the regular trustee meeting on April 30<sup>th</sup>.

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8. Mr. Jim Strunk requested approval of an additional \$5,000.00 in funds for further cases to be assigned to attorney, Mr. Stan Smith. Mr. Nourse and Ms. Keller stated that Mr. Stan Smith did an outstanding job on the case assigned to him. Mr. Nourse recommended drafting a proposal request for a part-time Township Law Director position as the Franklin County Prosecutor is not available for a home rule township. Mr. Nourse further explained in order to take full advantage of our home rule status, traffic violations would be presented to the court by the Law Director and Prairie Township would receive a portion of the traffic violation dollars. In addition, the Law Director would review the Policy & Procedures Manual, prepare opinions, assist in the establishment of a senior center and deal with routine day to day issues. Ms. Keller stated that there is still a need for specialized legal counsel in some cases.

Mr. Floyd Cochran addressed Mr. Strunk regarding a violation letter that he received for a truck that has been parked in front of his property. Mr. Strunk explained the process that the zoning department follows when over length and overweight vehicles are identified. Mr. Nourse stated that the Field Inspector made an assumption and an apology was extended for sending the notice to Mr. Cochran. In the future, it was recommended that the field inspector knock on the door of the property where the truck is parked and if the resident does not own or operate the truck, a notice should be attached to the vehicle.

Mr. Nourse moved, Mr. Wharton seconded the Board initiate a request for a proposal (RFP) for a part-time law director in Prairie Township. Vote; Aye.

Mr. Nourse asked the Zoning Inspector to include the zoning resolution amendment changes in the Residential Permit Guide and also include Road Department and Fire Department permits that are required by Prairie Township.

9. Mr. Strunk stated that the Zoning Department welcomes public input in an effort to clean up neighborhoods in the Township.

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

1. Interviews were conducted by the Road Superintendent and the Township Administrator for a part-time Road Department employee and a recommendation was made to hire Mr. Joshua Hoffman at a rate of \$10.00/hour to start on April 2, 2003. Ms. Keller asked the Road Superintendent to read the advertisement that was placed in The Columbus Dispatch for the position. This position could work into a full-time position in the future. A CDL (Commercial Drivers License) is required for a full-time employee.

Mr. Nourse moved, Mr. Wharton seconded the Board approve hiring Mr. Joshua Hoffman effective April 2, 2003 at \$10.00/hr. as a part-time Road Department employee not to work more than 1,500 hours per year with the condition that he completes a successful Ohio Health Physical when the program is in place. Vote; Aye.

2. The Road Superintendent informed the Board that the septic leach system at 1980 S. High Street in Galloway has failed and would like to recommend installing a drainage tile to the west 150' to the storm sewer on Galloway Road. Mr. Nourse recommended installing a drainage tile south of the property to be available to three other properties in the area should their systems fail in the future. Mr. McAninch will prepare a cost estimate and present it to the Board at the next meeting.

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3. Mr. McAninch explained that he has received 56 responses to residents that are interested in having their sidewalks repaired in conjunction with the 2003 Road Improvement Project. The Road Superintendent recommended an informational meeting of the residents interested. Cost estimates will be available when the project bids are back from Franklin County. Mr. Nourse suggested estimating the rough estimate of the repair using the 2002 Road Improvement Project costs and adding 10%. Mr. Nourse explained the ORC Section 5543.10 which gives Townships the authority to repair sidewalks and assess the property owners for those repairs. Effective March 31, 2003, the assessments may be collected in payments determined by the Township. The Clerk explained the filing procedure/deadline and requested that the repayment term be consistent for all sidewalk repair assessments. A special meeting is scheduled for Wednesday, March 26<sup>th</sup> at 7:00 p.m. at the Township Hall, 23 Maple Drive, to discuss sidewalk installation in conjunction with the 2003 Road Improvement Project.
4. The fence has been installed at the Alton M.E. cemetery and signage is planned similar to Alton, Galloway and Clover cemetery. Mr. Joe Testa's group will set the military markers and stones in the near future. Mrs. Pitts asked if there would be a ceremony when the military markers are in place and Mr. McAninch will check and advise Mrs. Pitts.

Mr. Fred Scior addressed the Board and asked if there was an easement to the park behind Beacon Hill Court and Mr. Nourse stated that the easement is where the "park closes at dark" sign is.

The installation of skateboard ramps at Lakota Park, Prairie Lincoln School and Alton Hall School was discussed. The Township would be exempt from all liability at these parks and a sign will be posted. Further discussion will take place at the April 16<sup>th</sup> meeting.

Mr. Kennedy addressed the Board and stated that he feels basketball courts are needed in the Township as has been exhibited by the basketball hoops in the road right-of-way. Mr. Wharton explained that the popularity of skateboard parks is growing and Mr. Nourse stated that skate park equipment was displayed at the recent Township Association Winter Conference.

Mr. Ison stated that there may be a need for a Park Supervisor position in Prairie Township in the near future to monitor and schedule events at the parks.

Chief Lavelly addressed the Board with the following Fire Department matters:

1. Chief Lavelly explained that the Fire Department responded to a serious accident on I-270 on March 17, 2003. Two passengers were ejected from the car and one individual was transported by Med Flight and one was transported by M-243.
2. Part-time firefighter Steve Chapman resigned from the Prairie Township Fire Department effective March 19, 2003. He has taken a full-time position with the City of Marysville Fire Department.

Ms. Keller moved, Mr. Nourse seconded the Board accept the resignation of part-time firefighter Steve Chapman effective March 19, 2003. Vote; Aye.

3. Replacement of full-time firefighters was discussed and the Board will proceed when the proposal from Ohio Health is adopted at which time interviews will be conducted.

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4. Mr. Nourse has not received a response from American Electric Power about the electric wires over the Phillips property on Cole Road where a Fire Department training fire is planned. Mr. Nourse will call AEP on Thursday, March 20<sup>th</sup>.
5. The Policy & Procedures Manual has been sent to Loveland & Brosius for review on March 19, 2003.

Ms. Elizabeth Anderson, Township Administrator, addressed the Board with the following Administrative issues:

1. Ms. Anderson stated that the Spring Clean-Up is scheduled for May 2-12, 2003 and requested an allocation of \$5,000.00 for the Clean Up. The location of the dumpsters has not been determined at this time. Hazardous Waste Collection sites outside of the Township will be noted in the newsletter. Ms. Anderson invited organizations in the area to participate in the Clean Up.

Mr. Wharton moved, Mr. Nourse seconded the Board approve \$5,000.00 for the Spring Clean Up on May 2-12, 2003. Vote; Aye.

2. A Franklin County Board of Health letter was presented to the Board by Ms. Anderson regarding the property at 330 Evergreen Terrace which has been condemned and the Board of Health requested Prairie Township cleanup the exterior of the property and assess the property owner.

Ms. Keller moved, Mr. Nourse seconded the Board approve the clean-up of the exterior of the property at 330 Evergreen Terrace and the total cost assessed on the property owners tax duplicate upon completion. Vote; Aye.

3. Ms. Anderson requested permission from the Board to file the appeal of the Order to the Liquor Control Commission as provided in ORC Section 4301.28(B) on Permit #9248482, Class 1-2 Francisco Cruz Ventura, 67-71 South Murray Hill Road based on the fact that the applicant is not a citizen, the building does not conform to safety and health requirements and the fact that the issuance of the permit would be detrimental to the morals, safety and welfare of the public.

Mr. Nourse moved, Mr. Wharton seconded the Board approve the Administrator file the appeal of the Order of Liquor Control Commission on Permit # 9248482 at 67-71 South Murray Hill Road and approve the Chairman to sign. Vote; Aye.

Mr. Nourse discussed the Ohio Health proposal that was previously presented by Mr. Derek Gibson with WorkHealth, for adoption by the Township for annual and pre-employment physicals, random drug screenings in conjunction with the drug-free work program in an effort to lower Workers Compensation rates.

Mr. Nourse moved, Mr. Wharton seconded the Board approve the adoption of the WorkHealth, a division of Ohio Health, for annual and pre-employment physicals, random drug screening and other needs on a case-by-case basis which would lower the Workers Compensation rates for the Township based on the costs submitted and authorize the Chairman to sign the agreement. Roll call vote resulted as follows: Mr. Nourse; Aye, Mr. Wharton; Aye, Ms. Keller; Aye.

Mr. Pitts expressed his appreciation, on behalf of the Residents Association, for the opportunity to replace sidewalks in the area in conjunction with the 2003 Road Improvement Project and requested more visibility in the area of the Franklin County Sheriff.

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Ms. Keller explained a proposed credit from the Franklin County Sheriff on the 2003 services contract. The fees for several Townships in the County were reviewed and a credit of \$184,624.00 will be given to Prairie Township based on population, housing units and road miles in the Township. The Board is considering the option of requesting another deputy in the Prairie Township area.

Mr. Ison recommended cleaning up the exterior of the Township Hall area in conjunction with the Spring Clean Up. Ms. Keller would like to see the Township Hall area cleaned as a routine effort and requested the Zoning Department be responsible for this effort.

Mr. Nourse stated that he toured the former Heilig Myers facility with other Township residents and discussed the option of a Prairie Township Senior Center in this facility. The next meeting is scheduled for March 21, 2003 at 9:00 a.m. at the Township Hall to compose an introductory program for the Center with Rod Pritchard; Area Commission on Aging, Mrs. Ashcraft who designed the senior program in Madison County and Jo Ellen Lock; physical fitness instructor. The goal is to have the center operational shortly after July 4, 2003 and the funding will be discussed next month.

Mr. Glen Hymer and Mr. Pitts attended the Emergency Management Agency Tornado Spotter class and Mr. Wharton and Ms. Keller thanked these residents for volunteering their time in service to the Township.

Mr. Ison expressed an interest in the Township to investigate funding opportunities for developing parks in the Township. Mr. Strunk presented the Board with grant applications for skate board park efforts in the future through the Ohio Department of Natural Resources, the Nature Works program and the federally funded Land and Water Conservation Fund.

Mr. Ison addressed the Board of Trustees and expressed his appreciation for the Board's efforts to advance into the 21<sup>st</sup> century. Mr. Ison feels it is time for Mr. Nourse to step back and delegate responsibility and not feel the need to control everything and view the Township government as a team.

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

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Chairperson

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Clerk