

PRAIRIE TOWNSHIP BOARD OF TRUSTEES

23 MAPLE DRIVE REGULAR MEETING/JANUARY 18, 2006

The regular meeting of the Prairie Township Board of Trustees was called to order by the Chairperson Mr. Stormont, with Mr. Kennedy, Ms. Schlosser and Ms. Montag present. Also attending were: Chief Feustel, Mr. Hatmaker, Ms. Swisher, Mr. McAninch and Ms. Witkowski. (See attached list).

Mr. Stormont led the Pledge of Allegiance.

Mr. Stormont moved, Ms. Schlosser seconded the Board approve the minutes as written for the regular meeting of January 4, 2006 and the special meetings of January 9th and 10th, 2006. Vote; Aye.

Mr. Stormont opened the public hearing for 173-RZ-05 Zoning Text Amendments.

Ms. Swisher presented Zoning Resolution Amendments to the Board as follows:

Section 960: To revise Exceptional Use regulations and eliminate the time frame for filing a plat or applying for a zoning permit. Additionally, the change will clarify that modifications of an Exceptional use Development Plan require the Trustee's to determine whether it is a minor modification or if the property needs to be rezoned.

Section 1015 #5: Eliminating the time frame established for vehicles making a temporary service or delivery calls.

Section 1230: To eliminate the time frame established for placing political signs prior to an election, (in accordance with new state law change).

On November 9, 2005, the Franklin County Planning Commission voted to recommend approval of the proposed amendments.

On November 29, 2005, the Prairie Township Zoning Commission voted to recommend approval of the proposed amendments.

Mr. Stormont asked for testimony in favor of the proposed amendments.

Mr. Stormont asked for testimony opposing the proposed amendments.

Ms. Pam Williams stated the redoing on the exceptional use seems to be coming at an extremely convenient time. There was a lot next to her that was zoned for parking and it was unknown to her that it was going to be done. It was something that was very carefully done and very carefully worded that no one on Miller Street knew what was going on. The letter that some received, she didn't, said nothing about Miller Street. After some investigation, there is not an EPA report on this, no zoning on this, when it was sent to the planning commission there was not mention of the lot only the church. This lot has a septic system on it that has been abandoned it also has a well on it and none of that was addressed by the EPA. In another words it appears to her that it was very opportunistic of when the lot was mentioned and when it wasn't mentioned. This property is owned by Teresa Keller. It is amazing to her that all of this got done and she knew nothing about it when her property abuts this property. She has been working with Tracy Hatmaker on this for three months to contact the EPA and that hasn't done it. The legal notice is incorrect. She finds out that the exceptional use zoning is not going to have a time limit anymore if it zoned exceptional use it will always be zoned exceptional use. It is amazing to her the timing on this since her exceptional use permit runs out either this month or next month. The timing on this is extremely suspect. This was unlawful to begin with. She is extremely opposed.

Mr. Neil Distlehorst stated on section 1015 #5 which the amendment would simply read the parking or storage of any commercial vehicle shall not be permitted within any residential district or upon any residentially used parcel except for vehicles making temporary service or delivery calls. His objection to 1015 #5 is in its entirety

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for the following reasons: 1) indoor storage is not permitted which seems very unfair given that 1015 #2 and 1015 #3 permit indoor storage of items such as recreational vehicles, bull dozers, well drilling equipment. If it stored indoors it can be in a residential district. His complaint is to be consistent if you want to pass this that at least commercial vehicles of a certain size probably not semi trucks but other commercial vehicles be permitted to park their vehicles in a garage. His final objection is the definition of a commercial vehicle. The present code reads that commercial vehicles: any vehicle used or designed to be used for business or commercial purposes or pursuits and having openly visible tools, tool boxes, machinery or materials, products or supplies used in a business or commercial venture or having a net vehicle weight (curb weight including load but exclusive of passengers) greater than seventy five hundred pounds or an over all length of greater than twenty one feet. His objection is it should say and because this prohibits anyone who has a toolbox on the back of their truck be permitted to park indoors. Also, his objection is the seventy five hundred pound weight limit. There are passenger vehicles that weight more than seventy five hundred pounds. He has no problem with section 1230, however, it should limit the number of signs on a parcel and have the property owner's permission for the signs.

Ms. Judy Stalter stated some of the comments that Mr. Distlehorst made were very good and agree with some of the things he stated. However, he does not live in a residential area and neither do the three of you live in a residential area. She does not appreciate having commercial vehicles running, or semi's running, or having commercial vehicles that has all kinds of equipment parked out front of their home. She is a member of the zoning commission and will probably be working on trying to make this a little more cooperative between country and residential. She does have a problem seeing commercial vehicles in driveways and on the streets. She hopes that the board does consider passing the recommended changes. A discussion followed.

Mr. Morrison stated it is difficult to sell a property with a neighboring property that has multiple vehicles, vehicles with ladders and vehicles loaded with debris. The problem does exist.

Mr. Kennedy stated he has the same concerns that Mr. Distlehorst has. He didn't have any issues with the exceptional use changes but asked how that affects the current cases that are waiting. Ms. Swisher stated that it would ultimately be decided by a judge. Ms. Swisher stated they could approve, disapprove or approve with some modification and they also have until twenty days from tonight to render a decision at all.

Mr. Stormont stated the exceptional use came up before Ms. Keller reapplied for her zoning. Mr. Stormont stated he was in a meeting with Mr. Peter Griggs and he stated that the code doesn't meet state code and therefore the township could be sued. Mr. Soulas stated that is correct.

A resident stated he supports the Board and zoning. He feels very lucky to have these people represent him. He would like to see the issues addressed and resolved.

Mr. Kennedy moved, Ms. Schlosser seconded the Board approve Section 1230 and deny Section 960 and deny Section 1015 #5 of application 173-RZ-05.

Mr. Stormont would like more information regarding section 960 the exceptional use before he votes. Mr. Soulas stated the Board would need to vote unanimously to defeat both sections. Mr. Soulas stated they could retract their motion and they have twenty days to make a decision and could be taken up at their next regular scheduled meeting.

Mr. Kennedy moved, Ms. Schlosser seconded to retract the Board approve Section 1230 and deny Section 960 and deny Section 1015 #5 of application 173-RZ-05.

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Ms. Schlosser requested the public to submit information and opinions to the Board before the next meeting for them to review.

Mr. Stormont stated Mr. Griggs stated the Township is open to a lawsuit if section 960 is not passed to change it to meet state law. His question to Mr. Nick Soulas does that revert back to the case that is pending or just going forward. Mr. Soulas stated he would have to look into that. A discussion followed.

Mr. Stormont closed the public hearing at 7:45 p.m.

Deputy Snider reported to the Board they can not enforce loud noise since Prairie Township doesn't have a loud noise ordinance. Corporal Ing stated residents can file a complaint with the prosecutor's office. Deputy Snider stated they have recovered five stolen vehicles in the Township. They recovered drugs and arrested some prostitutes. Deputy Snider stated Hollywood video was robbed and they have the suspect on video.

A resident asked if they have any leads on the robberies at the Village Drive-Thru. Deputy Snider stated there have not been any arrest and Corporal Ing stated it is still under investigation.

A resident stated at 445 N. Murray Hill Road at lot of traffic in and out of house, loud parties, parking on the sidewalk, beer bottles in neighboring yards. Deputy Snider responded to call the Sheriff's Department.

Mr. Mueller stated he is seeing a lot more graffiti on business buildings along West Broad Street.

The Clerk presented the following items:

Mr. Stormont moved, Mr. Kennedy seconded the Board approve the following supplemental appropriations. Vote; Aye.

\$1,219.00 from 2041-760-740-0000 to 2041-410-323-0000.
\$50,000.00 form 2191-760-720-0000 to 2191-760-740-0000.

After the Trustees reviewed the pending warrant list, Mr. Stormont moved, Mr. Kennedy seconded the Board approve the payment of the ADP payroll in the amount of \$151,386.89 and approve payment of the following bills. Vote; Aye. (See pending warrant list).

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

1. Chief Feustel requested the Board approve \$174,525.86 to purchase new Horton 623 Type 1 aluminum body conversion Medic truck.

Mr. Stormont moved, Mr. Kennedy seconded the Board approve \$174,525.86 to purchase new Horton 623 Type 1 aluminum body conversion Medic truck. Vote; Aye.

2. Chief Feustel updated the Board on the FEMA reimbursement for sending two firefighters to assist with Hurricane Katrina is a total of \$13,628.40.

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

1. Mr. McAninch updated the Board on the supplemental appropriation for \$1,219.00 it is for a light replacement in Alton Cemetery. It was appropriated in 2005 but did not receive the bill until 2006.

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2. Mr. McAninch updated the Board there was vandalism in Alton Cemetery over the weekend and he is getting an estimate for nine headstones to be reset.
3. Mr. McAninch updated the Board that road department employee Mr. Dale Steinhoff had open heart surgery on January 12, 2006 and is doing as well as can be expected.

Ms. Connie Swisher, Zoning Inspector, addressed the Board with the following Zoning Department matters:

1. Ms. Swisher introduced Mr. Joe Royal with GPD Associates, he thanked Ms. Swisher and Ms. Dana Scott for all their assistance in zoning. He gave a presentation on the new Long John Silvers/AW All American building at the Plaza. The building is the first of its kind in the country. Construction will start in June and last approximately for thirteen weeks.

Ms. Pam Williams presented an article from the newspaper on January 12th of how Mifflin Township zoning department enforces their zoning code.

Mr. Neil Distlehorst complained about the special meeting and what short notice was given about the meeting. Ms. Schlosser apologized for the short notice and the Board will work on improving the communication to the residents. Ms. Schlosser recapped the special meeting on the senior center.

Mr. Tracy Hatmaker, Administrator, addressed the Board with the following Administrative matters:

1. Mr. Hatmaker requested the Board approve Resolution of Support for the Draft Plan Principles of the Big Darby Accord.

Mr. Stormont moved, Ms. Schlosser seconded the Board approve Resolution of Support for the Draft Plan Principles of the Big Darby Accord. A roll call resulted as follows: Ms. Schlosser; Aye, Mr. Kennedy; Aye, Mr. Stormont; Aye.

2. Mr. Hatmaker presented to the Board the Prairie Township Resident Sheriff's Office Inquiry/Offense Report form and reminded residents to utilize the form.
3. Mr. Elie Sabbagh updated the Board regarding his new employer Zande & Associates. Mr. Sabbagh requested the Board to approve Mr. Sabbagh with Zande & Associates to be the preferred engineer on the Eastham Way project.

Mr. Stormont moved, Mr. Kennedy seconded the Board to approve Mr. Sabbagh with Zande & Associates to be the preferred engineer on the Eastham Way project. Vote; Aye.

Mr. Nick Soulas updated the Board on the Stiles and Mix Avenue properties. There is a permanent injunction on one property. Also, there was a complaint filed in court on 4619 and 4625 Stiles.

Mr. Nick Soulas updated the Board regarding the Senior Center tax levy can be done by resolution by the trustees or by initiative petition.

Old Business:

Mr. Ison stated in response to ideas to where the trustees are going to spend the townships money. The 1.6 mil levy that was denied by the budget commission for the road department should be looked at for the senior center. He also recommended a salary cap for township employees.

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New Business:

Ms. Velvet Colliflower, Associate Pastor of the West Broad Church of the Nazarene requested permission to use the empty lot adjacent to the Fire Station on Inah Avenue for the Children's Crusade. The event is scheduled for June 12-16th. She would also need permission to erect a tent on the property which would hold approximately 100 children and adults. Mr. Kennedy asked if the dates would interfere with the Fire Departments Annual Fish Fry. Chief Feustel stated it would not interfere. Mr. Kennedy and Ms. Schlosser's only concern is insurance coverage. Mr. Soulas recommended the Board take no action on this issue to allow further research be done. Ms. Schlosser recommended that she communicate with Mr. Soulas to make sure all the issues are addressed.

Public Comment:

Announcements:

There being no further business to come before the Board, the meeting was adjourned at 9:08 p.m.

Chairperson

Fiscal Officer