

PRAIRIE TOWNSHIP BOARD OF TRUSTEES

23 MAPLE DRIVE      REGULAR MEETING/JANUARY 16, 2008

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

Ms. Schlosser led the Pledge of Allegiance.

Ms. Schlosser moved, Mr. Kennedy seconded the Board approve the minutes with corrections to page four: 1) change "award buds" to "award bids" and 2) the last paragraph should state "authorize Tracy Hatmaker to sign agreement" instead of "site agreement", for regular meeting of January 2, 2008. Vote; Aye

Deputy Weiner and Cpl. Goodrich reported the December 2007 monthly statistics and final 2007 statistics. December 2007: Dispatch runs 405; Pick-up runs 603; Domestic runs 37; Reports 109; Felony arrests 11; Misdemeanor arrests 37; Felony warrant arrests 7; Misdemeanor warrant arrests 25; OMVI arrests 3; Crash 21. The 2007 yearly statistics: Dispatch runs 5780; Pick-up runs 7024; Domestic runs 435; Gun runs 148; Reports 1169; Felony arrests 97; Felony warrant arrests 84; Misdemeanor warrant arrest 247; Stolen vehicles 15; Vehicles impounded 338; Non-crash citations 1117; OMVI arrests 74. Deputy Weiner reported theft/car break-ins with several in Lake Darby and West Point and on Lawrence in Lincoln Village South. The cruisers are aware of the break in and are also working on the speed complaints especially near school zones. First shift was working a recent complaint on Kuline Road regarding speeding and litter.

Mr. Neil Distelhorst asked if the reports are compared from year to year. Deputy Weiner explained that prior to 2006, the old reports were not on the computer.

Mr. John Waldman stated that he has a neighbor who, between Christmas and New Years, revved his engine for about a half hour. Mr. Waldman called the Sheriff's office, and they responded. After the Sheriff left the residence, they started to rev the engine again. Deputy Weiner suggested calling the Sheriff's office again and when the cruiser goes back out there, they will either get a ticket/ citation or it can be an arrestable offense. Mr. Waldman explained at 411 Deerfield, the mufflers on the vehicles are very loud. Dep. Weiner said if the Officers are driving around and hear the loud mufflers, they can deal with it because of the Township's noise ordinance; it is just a matter of the cruiser being in the area when they are doing it. If there are problems, just give the Sheriff's office a call.

Ms. Schlosser stated she failed to appoint Dana Scott as Clerk Pro-Tem to be able to take minutes for this meeting, as she learned before this meeting that Ms. Montag was going to be absent. Ms. Schlosser made a motion to appoint Ms. Dana Scott as Clerk Pro-Tem. Mr. Stormont seconded the motion. Vote; Aye.

After the Trustees reviewed the pending warrant list, Ms. Schlosser moved, Mr. Stormont seconded the Board approve the payment of the ADP payroll in the amount of \$99,745.35 and approve payment of the following bills. Vote; Aye. (See pending warrant list).

Ms. Schlosser stated that she was unaware that Ms. Montag was going to be absent from the meeting until 6:30pm this evening. Mr. Hatmaker apologized; Mr. Kennedy asked why she was not at the meeting tonight. Mr. Hatmaker stated that Ms. Montag said she had a meeting downtown at 5:00pm and wouldn't be able to make it back. Ms. Schlosser asked if all indications point to the fact that she will be at the next meeting, Mr. Hatmaker stated that Ms. Montag said she wouldn't be at this meeting because of a specific cause, and presumed that she would be at the next meeting.

Mr. Kennedy stated that he would like the minutes to be done on a timely basis and if the Fiscal Officer does not show up for any more meetings until the end of her term, he made a motion that the Zoning personal be responsible to accurately record the

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proceedings of any of the Board of Trustee's meetings that the current Fiscal Officer chooses not to attend until the end of her term, which is March 31, 2008. Ms. Schlosser seconded the motion and stated that the Board needs someone at the meeting who is readily available. Vote; Aye.

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

Requested approval to purchase three sets of turnout gear to replace gear that is currently in use. The total cost of the turnout gear is \$5,768.00. This is a routine equipment upgrade that has been included in the Fire Department budget.

Ms. Schlosser moved, Mr. Kennedy seconded the Board to authorize the purchase of three sets turnout gear at a total cost of \$5,768.00. Vote; Aye.

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

Request to amend the ending date of the appointment of Jan Pitts to the BZA and Hulda Moffit to the Zoning Commission. The motions included in the January 2<sup>nd</sup> meeting memo stated that the end date would be December 31, 2013. The correct end date is December 31, 2012.

Ms. Schlosser moved, Mr. Stormont seconded that the Board amend its appointment of Jan Pitts to a five-year term on the Board of Zoning Appeals to state that the term commences on January 1, 2008 and ends on December 31, 2012. Vote; Aye.

Ms. Swisher requested the Board amend the ending date of the appointment of Hulda Moffit to the Zoning Commission. The motions included in the January 2<sup>nd</sup> meeting memo stated that the end date would be December 31, 2013. The correct end date is December 31, 2012.

Ms. Schlosser moved, Mr. Stormont seconded, that the Board amend its appointment of Hulda Moffit to a five-year term on the Zoning Commission to state that the term commences on January 1, 2008 and ends on December 31, 2012. Vote; Aye.

Ms. Swisher announced that the Zoning Department will be using postcards for property owner notification instead of letters, which will be cheaper and reduce envelopes and postage.

Ms. Pam Williams stated that she has several issues: 1) she asked how many letters are in the file and Ms. Swisher stated one letter. Ms. Williams asked Mr. Hatmaker why there were not six letters, Mr. Hatmaker asked about what time frame this was, he would have to check. Ms. Williams said at least two years ago, the issue has been going on for three years. Mr. Hatmaker said he would check his correspondence file. Ms. Williams stated that this seems like a case of selective non-enforcement, this case has gone on for three years with no resolution what so ever. Ms. Williams went on to explain she was not being unreasonable; she requested that the same method be used in any other zoning case, so the area cannot be used as a parking area. Ms. Swisher explained that for a year and a half, there hasn't been an issue with the vacant lot next to Ms. Williams. The lot was rezoned for parking, but has not been developed. Ms. Swisher was called after a Christmas service and overflow parking went in; the Zoning Office called the Pastor and sent a letter and called the owner. Since then, a single care parked on the lot, did not warrant a letter. Ms. Williams stated she had an issue with that, and believes it is an issue on non-enforcement – bottom line is that the zoning law is broken, a letter should be sent. Ms. Williams acknowledged that it was only one car, but it is still breaking the zoning law. Ms. Swisher stated you have to use common sense and deal with matters of intensity; the lot was zoned for a parking lot. Ms. Williams stated that the agreement said it would not be used as a parking lot until it was improved; therefore, the one car constitutes a zoning violation; Ms. Swisher disagreed. Ms. Schlosser stated Ms. Swisher was unable to prove it was the

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church telling people it was okay to park on the lot. Ms. Williams and Ms. Schlosser were at the lot earlier tonight and found someone parking there with permission from the owner, and that she was with the church. That was the proof needed to now contact the owner of the lot and say it's a violation. Ms. Williams would like some finality to the issue because if her well is polluted, she cannot live in her house. Ms. Schlosser requested after Ms. Swisher call the with the property owner tomorrow, then they will determine a plan. Ms. Schlosser will call Ms. Swisher tomorrow afternoon and Mr. Hatmaker will go through his files for previous correspondence and Ms. Schlosser will get back to Ms. Williams with answers.

Mr. Distelhorst asked Ms. Schlosser if the Township had any authority to force the owners to it rope off or to put "no parking anytime" signs up, which could then be enforced by a Sheriff? If the owners have already been notified once not to do this, and then tells people its okay to park there, that's bad. Can the zoning be removed? Ms. Williams said the zoning can be rescinded, Ms. Swisher said its hearsay. Mr. Distelhorst said he remembered the meeting and the owners promised they were going to improve that lot, many people didn't think it ought to be a parking lot between two residential lots, and now they haven't said what they wanted to do and they are still telling people its okay to park there. Ms. Schlosser stated that she would like to touch base with Ms. Swisher tomorrow and have a plan in place for compliance. Ms. Swisher stated, she spoke to Mr. Stormont, Mr. Kennedy and Mr. Hatmaker about the issues but was unable to speak to Ms. Schlosser today, about speaking with the owners and having a "no parking" sign or roping the area off, and asking the owners to volunteer to do something.

Mr. Waldman asked how the Township takes care of inoperable vehicles that are parked in a driveway. Ms. Swisher explained that it is just like any other violation. Mr. Waldman said for four years some have don't license plates or expired plates and sit there, like a junk yard – we've never had this problem. Ms. Swisher said the office sends letters every week, which property was he asking about. Mr. Waldman said 411 Deerfield. Ms. Swisher asked is he was referring to the vehicle the office just had removed off the street into the driveway. Mr. Waldman said no, the junk yard in the driveway – there are three vehicles and the Cadillac with historical plates that doesn't run. Ms. Swisher said the staff will go back out and inspect 411 Deerfield.

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

1. Recommend the Board approve trading in the two 2007 Ex-Mark LZ27KC60 Finish mowers for two 2008 Ex-mark LZ27KC60 Finish mowers for a cost of three dollars per hour use of the 2007 mowers and 200 dollars per mower manufacture cost increase. The last year we used the mowers 699 hours times  $\$3.00 = \$2097.00 + \$400.00 = \$2497.00$ . The deal is through Hoffman Power Equipment. Ms. Schlosser moved, seconded by Mr. Kennedy, to approve the agreement with Hoffman Power Equipment to upgrade two 2007 Ex-Mark LZ27KC60 Finish mowers for two 2008 Ex-Mark LZ27KC60 Finish mowers at a cost of  $\$200.00$  per mower plus  $\$3.00$  per hour. Vote; Aye.
2. Recommend the 2008 catch basin cleaning program as required by the NPDES Phase II requirements. The program will again be with Metropolitan Environmental Services Inc. The estimated cost for this is  $\$15,000.00$  at a rate of  $\$135.00$  per hour. Ms. Schlosser asked if this has been appropriated and observed the cost has gone up an additional  $\$5.00$  per hour. Mr. McAninch said yes, last year he appropriated  $\$15,000.00$  but only spent  $\$12,837.50$ . Ms. Schlosser moved and Mr. Stormont seconded, to approve the Road Superintendent to supervise and the secure the services of Metropolitan Environmental Services to clean designated catch basins within Prairie Township at an estimated cost of  $\$15,000.00$ . Vote; Aye.
3. Recommend the Board to authorize the Road Superintendent approve and

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excavating permit for Team Fishel as soon as they submit their pavement cut deposit/bond for utility work that will be done in the first alley north of West Broad Street and Buena Vista and Maple Drive. Ms. Schlosser moved and Mr. Kennedy seconded, the Board authorize the Road Superintendent to approve an excavating permit allowing Team Fishel to perform utility work in a township right-of-way upon receipt of the required deposit and bond. Vote; Aye.

4. Recommend the Board approve a contract with Contract Sweepers for the two street sweeps in 2008 for an amount of \$3939.00 per sweep for a total of \$7878.00. These two sweeps have been tentatively sep up for the week of April 7, 2008 and the week of September 8, 2008. The same price as last year. Ms. Schlosser moved, seconded by Mr. Stormont, to approve a contract with Contract Sweepers to perform two street sweeps in 2008 at a total cost of \$7,878.00 and authorize the township administrator to execute the necessary contract documents. Vote; Aye.
5. Requesting the Board to set dates for advertising and bid openings for the Inah Avenue street improvement project. The ads will run on February 1<sup>st</sup> and February 8<sup>th</sup>. The deadline and bid opening will be on February 22<sup>nd</sup>. Ms. Schlosser moved and Mr. Kennedy seconded, to authorize advertising for bids to complete the Inah Avenue street improvement project on February 1, 2008 and February 8, 2008 and set a bid opening for 2:00pm on February 22, 2008.

Mr. Kenny Adkins stated a stop sign post needed attention and Mr. McAninch said he would look at it and fix whatever needed.

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

1. Nuisance cases will be deferred to the next meeting because the properties have all made some improvement except for 78 Evergreen Terrace in which the property owner was granted a thirty day extension. Staff will reinspect the properties.
2. Request the Board to approve entering into a 60 month lease for an Imagistics model cm 2510 copier/printer/scanner/fax with Oce North America. Staff has reviewed a number of proposals and visited the showrooms of two short-listed companies in an effort to make the best recommendation. The recommended machine will provide quality black and white and color images at a low price. The two finalists offered very similar products and services, but Oce came in at an estimated annual cost of \$4,942.80 (base lease cost of \$1,860.00 plus maintenance and supplies). Ms. Schlosser moved and Mr. Stormont seconded, to approve a 60 month lease agreement with Oce North America for an Imagistics cm 2510 copier/printer/scanner/fax and authorize the township administrator to execute all necessary documents. Vote; Aye.

Mr. Waldman asked the board what is considered a nuisance. He went on to explain last year his neighbor to the rear had trash bags piled up and then put a tarp over the trash. Ms. Schlosser explained a nuisance is something that can harbor vermin and rodents. She explained if trash is stockpiled, they should call the zoning department. Mr. Waldman asked is what to do if zoning staff cannot go onto the property. Mr. Hatmaker suggested if there is no other way to inspect the property, a neighbor may grant staff access onto the neighboring property. Mr. Waldman asked if there was a requirement that resident have to use a trash can, and Ms. Schlosser said no, not that she is aware of. Mr. Hatmaker explained the nuisance and Board of Health standards require trash bags not to be ripped open and trash spread all over.

Mr. Stalter asked what happens when a property is declared a non-nuisance. He explained the property at 261 Lennox has roofing issues, cars that don't run, trash on the front porch and no garage door. Ms. Scott explained the zoning office is

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working with the Board of Health on 261 Lennox and Ms. Schlosser and Mr. Stormont stated they received a letter from the Board of Health concerning the property at the last meeting.

Old Business:      none

New Business:      none

Public Comment: Mr. Waldman said he lived in Prairie Township for 37 years and has had a problem a couple houses up with noise, and asked the Board if there could be a property maintenance code, even though he knew Mr. Kennedy was against it before he got on the Board. Mr. Waldman explained zoning has no authority. Hiler Road has many trucks parked on it and it is hard for the school bus to get by; they can say they are one family but there is probably a 2-3 bedroom house with at least 10-12 automobiles parked there and zoning can't do anything about it. If we had a property maintenance code, zoning would be able to issue citations, Mr. Waldman stated. Ms. Schlosser explained that she has neighbors as well who rev engines and if it were a problem, she suggested to continue to call the Sheriff's office; that is the reason the Board passed the Noise Ordinance. Mr. Waldman stated Concord Township's noise ordinance includes an explanation of a light motor vehicle and light exhaust systems. Ms. Schlosser said she will take the document and take a look at it.

Mr. Kennedy stated his thoughts on property maintenance were that it was put to the voters and was voted down two to one. Ms. Schlosser stated that everyone had a vote and Mr. Kennedy was not in the voting booth with everyone, regardless. The Board, over the last two years, has the nuisance code which has been able to take care of some, some can still fall through the cracks, some fall to the Board of Health, if they don't comply with the Board of Health, what makes you believe they will comply with the property maintenance code, Ms. Schlosser asked. Mr. Waldman stated that going through the Board of Health takes longer and you have to go downtown, where here you can go out, investigate and write a citation. Ms. Schlosser stated there will still be an appeals process. Mr. Waldman asked the Board to look at, or re-write the property maintenance code.

Announcements: none

Ms. Schlosser moved, and Mr. Stormont seconded that the Board go into executive session to consider the employment of a public employee and the investigation of complaints against a public employee. Roll call: Mr. Kennedy, Aye; Mr. Stormont, Aye; Ms. Schlosser, Aye. 7:55pm.

At 8:59 pm, Ms. Schlosser made a motion, seconded by Mr. Stormont, to come out of Executive Session. Roll call: Mr. Kennedy, Aye; Mr. Stormont, Aye; Ms. Schlosser, Aye. Ms. Schlosser stated that no decisions were made in Executive Session.

Ms. Schlosser made a motion, seconded by Mr. Stormont, to move into an agreement with Snider-Blake for the services of a temporary employee to perform administrative clerical work at a total cost of \$19.44 per hour and to authorize the Township Administrator to execute the necessary documents. Vote; Aye.

There being no further business to come before the Board, the meeting was adjourned at 9:02 p.m.

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Chairperson

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Clerk