

# RECORD OF PROCEEDINGS



## PRAIRIE TOWNSHIP BOARD OF TRUSTEES

JUNE 28, 2023 - REGULAR MEETING 7 :00 PM 23 MAPLE DRIVE, COLUMBUS, OHIO 43228

Trustee Doug Stormont called the meeting of the Prairie Township Board of Trustees to order on June 28 2023, at 7:00 p.m. at the Township Hall with Trustee Cathy Schmelzer, Trustee Rod Pritchard, Fiscal Officer Natalie McKay, Township Administrator James Jewell, Road Superintendent Dave McAninch, Recreation Director Michael Pollack, Zoning Director Dana Scott, Fire Chief Allen Scott, and Sheriff Deputy B. Haren 1078 present.

### Call to Order and Pledge of Allegiance

Mr. Stormont opened the meeting and led all in the Pledge of Allegiance.

### Approval of Minutes - June 14, 2023 regular meeting minutes

Comments/Issues: None

**Mr. Stormont made a motion to approve the May 31, 2023 regular meeting minutes. Ms. Schmelzer seconded. The votes were as follows: Mr. Pritchard, Aye; Ms. Schmelzer, Aye; Mr. Stormont, Aye. Motion passed.**

### Franklin County Sheriff 's Office

Sheriff Deputy B. Haren 1078 gave the Sheriff's report for the last two weeks as follows:

06/14/2023 - 06/28/2023	Total	Change since last report
Total Calls for Service/Self-Initiated Runs	617	+117
Total Reports Taken	80	+19
Arrests/Citations	49	+15
Thefts	13	
Suspicious Activity Stops / Calls	88	+15
Traffic Stops	50	+8
Stolen Vehicles (recovered)	3	+2
Recovered Stolen Vehicles	2	
Drug Related Arrests	3	+1
Overdose	1	-3
Burglaries / B&E	5	
Homicide	0	
Robberies		

- The Sheriff's Office was happy to be invited to the annual Prairie Fire Fish Fry. The deputies who participated were happy to meet residents and talk to them. Their new recruitment division was represented and were able to make contacts with some residents interested in employment with the FCSO.
- The FCSO Patrol Division had a very busy day on June 23, the first day of the fish fry. Deputy W. Richards was involved in a vehicle pursuit with a stolen car through Lincoln Village South. The pursuit ended with the arrest of three juveniles. Deputy Richards did sustain a minor injury during the pursuit, but he will be okay. Just after this incident other deputies responded to a breaking and

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entering call on Kunz Rd. Multiple arrests were made and stolen guns and a stolen vehicle was located during the incident. While this incident was occurring a fatal crash occurred in the southeast part of the county which pulled patrol deputies from the west side to assist.

- Deputy Haren noted the overdose occurred off Old Village and did not end in a fatality.
- The speed studies from Feder and Redmond Roads are in.
- A deputy performed CPR on a resident in Galloway Village who, unfortunately, didn't make it.
- Five of the six trespass warnings related to the incident at the Sports Complex on Galloway Road have been issued and Deputy Haren expects to deliver the last one soon.

Discussion:

A resident mentioned his wife's car was recently stolen by juveniles, and he didn't believe they faced any consequences. Deputy Haren said that it's really up to the juvenile detention officers to charge juveniles or not, and it's typical not to send juveniles to jail when there is overcrowding.

Voytek Zaleski of 4756 Hilton Avenue asked for the name of the driver in the June 23<sup>rd</sup> incident at a Hilton Avenue building was available. Deputy Haren didn't have the name readily available and advised Mr. Zaleski to make a public records request for a copy of the report.

Doug Buttrick of 6405 Alkire Road said that he lives a mile and a half away from the rodeo (on Alkire Road) and it is like he is sitting at the rodeo itself. He said he's looked at the rodeo's website and it looks to him like they are operating a business while hiding behind an agriculture zoning—he said they sell tickets, and they bring up bulls from Mexico. Mr. Buttrick said there is another property at 2111 Kuntz Rd—one third mile from his home—and a third property at 6515 Alkire Road—three country properties away from his—all of which make excessive noise. He asked the Deputy to start writing paper on these folks so they treat it seriously.

Deputy Haren acknowledged awareness of the properties mentioned and said he issued a summons to the Alkire Road property a while ago. He said he was aware that another deputy issued one as well. Deputy Haren said he will pay a visit again and remind the owner of the language in the resolution

Another resident, Miguel Valentine of 176 Evergreen Terrace, spoke about noise complaints on Oxley and Fernhill, saying he's been awakened at 1am on a Saturday and called to report noise and felt his call was ignored. He said he also call on a place with suspicious activity and nobody has gotten back to him.

### **Agricultural Zoned Property/Rodeo**

Mr. Jewell said there have been a lot of questions from residents lately about agricultural zoned property and the rodeo on Norton Road, and tonight he asked the Township's Law Director, Jenn Huber, to speak.

Ms. Huber said that in a nutshell, Ohio law protects and favors agriculture, which makes situations like these frustrating. She said that while many of us think of combines and fields when we think of agriculture, the law doesn't make that distinction. She said the Township cannot make rules zoning it or regulating it or rules about noise.

Ms. Huber read aloud select sections of the Ohio Revised Code pertaining to agriculture, and said according to the law, the definition of agriculture is quite broad: for example, agriculture as used in farming, ranching, algae farming, fish, bee, animal husbandry, raising of livestock and equine, and vegetables.

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Ms. Huber said the Legislature created categories: farm markets (pumpkin picking); regulated with terms such as where income has to come from and where products come from. She said that Agritourism is activities that are related to ag, and can be entertainment, recreation, education---it doesn't have to be a guy farming a field. That's what we have to talk about tonight, she said. In her opinion, they have agriculture, livestock, plus entertainment--the rodeo.

Ms. Huber said the cases that have come down that are remotely close to this are related to dog kenneling. There has been no good case from any court in Ohio showing how bad something has to be, before we can get out from under the law or convince a court this isn't agritourism (entertainment). She said it would be incredibly difficult to argue that this isn't ag and noted the owner's traditional livestock animals are involved.

Regarding a noise resolution, Ms. Huber said the statute specifically exempts noise attributed to ORC which is agriculture--that's how protected agriculture is in Ohio.

Mr. Pritchard offered that he has no issues with the rodeo itself and asked Ms. Huber to clarify his understanding that what he's hearing from her is that this (rodeo) activity could go on 24 hours a day, 7 days a week, forever and the Township can do nothing about it. Further, there is nothing any community can do to put a restriction on the activity so it ends by a certain time? Ms. Huber confirmed his understanding and said it has to take an act of legislature to do something about it.

A resident asked if the meat market on the rodeo's website is in violation of USDA regulations or if the bulls they are importing from Mexico are vaccinated and if these could be avenues which lead to action. No one present knew for sure if the owners are violating any such rules.

Another resident spoke up and said he too is not against agriculture or the rodeo, he's against the noise. Mr. Prichard said he's been to the rodeo and knows firsthand that the mariachi band plays non-stop from the time they get there until the rodeo is over, in the early morning hours.

A question was asked about whether the Kuntz Road property is subject to the Township's noise resolution. Ms. Huber said that as long as it's zoned residential, the property comes under the township's noise resolution, and would be subject to all the penalties that provides.

Mr. McAninch asked whether anyone has ever gone and spoken with the property owner on Norton Road about the neighbor's concerns. Mr. Pritchard agreed that it would be a good idea to go out there and talk with them before the next rodeo on July 16<sup>th</sup> and ask them to put a time limit on it. Mr. Pritchard also recommended this issue be put to our legislature as it could have negative consequences on everyone.

Mr. Jewell asked Ms. Huber for confirmation with it being home rule, the township can't create rules that contradict the ORC. She cited chapter 504 and said you can't use home rule to do a run around the law.

Mr. Zaleski asked if the Township's noise resolution offered protections from industrial properties and was told it does not, that it is limited to property zoned for residential only (not commercial). The zoning code has language about noise.

When a resident asked if he could have chickens to qualify for the agriculture protections, Ms. Huber said among other things, there is an acreage requirement one must meet to qualify for the true ag protections.

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### Fiscal Officer 's Report

Approval of Warrants and Payroll: Ms. McKay reported this week's warrants list detailed payments to 70 vendors totaling \$288,028.27. She requested the Board's approval to pay all items on this week's warrant list totaling the same, along with the 6/25/23 payroll in the amount of \$206,042.35 for a total cash disbursement of \$494,070.62.

Comments/Issues: None

**Mr. Stormont motioned "so moved". Ms. Schmelzer seconded the motion. The votes were as follows: Mr. Pritchard, Aye; Ms. Schmelzer, Aye; Mr. Stormont, Aye. Motion passed.**

Ms. McKay reported that an investment committee meeting was held earlier in the week, and asked the Board if she could bring content to a future meeting to share with the residents. The Board agreed sharing the information with the residents in the future would be a good idea.

### Standing Business

#### Fire Department

**2022 AFG Grant** : Chief Scott asked the Board to accept a 2022 Assistance to Firefighters Grant for diesel exhaust removal systems for each station. Diesel exhaust has been identified as a major cause of cancer among firefighters. Firefighters are 70% more likely to contract cancer than the average population. Therefore, this project will help increase the safety and wellness of our members significantly. The awarded amount is \$142,857.14. We will have to send the project out to bid. The Township will be required to pay 5% of the awarded amount, \$7,142.86. Per the approved contract, we owe the grant writer a 5% bonus for the successful submission of the grant. This capital purchase was budgeted and allocated in the 2023 budget.

**Mr. Stormont moved that the Board accept the 2022 Assistance to Firefighters Grant for diesel exhaust removal systems at Station 241 and Station 241 in the amount of \$142,857.14, with 5% of the amount awarded to be paid by the Township and a 5% bonus paid to the grant writer and authorize the Fire Chief to execute the necessary documents . Ms. Schmelzer seconded the motion. The votes were as follows: Mr. Pritchard, Aye; Ms. Schmelzer, Aye; Mr. Stormont, Aye. Motion passed.**

**EMS Protocol Software** : Chief Scott asked the Board to approve purchasing EMS protocol enhancement and management software from Handtevy at a cost of \$9,734.17. This includes set-up, hardware, training, and annual subscription fees. This program will greatly enhance patient care and documentation by digitizing our EMS protocol, making it more accessible to our members, and providing real time updates. The software will provide instant medication dosage calculations for adult and pediatric patients and interact with our electronic patient care reports, greatly increasing our patient care and documentation. When asked if the software was going to replace another software in use, Chief Scott said no—the information is in binders today and this software will allow it to be digitized and will enable a paramedic to see a checklist in the future to serve as a reminder of what to do and what to charge.

**Mr. Stormont moved that the Board approve purchasing EMS protocol enhancement and management software from Handtevy at a cost of \$9,734.17 and authorize the Fire Chief to execute the necessary documents. Ms. Schmelzer seconded the motion. The votes were as follows: Mr.**

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**Pritchard, Aye; Ms. Schmelzer, Aye; Mr. Stormont, Aye. Motion passed.**

**Exam for Lieutenants Promotional List** : Chief Scott asked the Board to approve hiring the Ohio Fire Chiefs' Association to conduct a written exam for the establishment of a Lieutenants Promotional list at a cost of \$1,500.00 plus \$20.00 per candidate, not to exceed \$2,000.00. Until the test is officially posted and the sign-up list is complete, we will not know the exact price. The CBA requires a Lieutenant's exam every 2 years, consisting of a written exam followed by an assessment center. I will make the request for the assessment center later in the year.

**Mr. Stormont moved that the Board approve hiring Ohio Fire Chiefs ' Association to conduct a written exam for the establishment of a Lieutenants Promotional list at a cost of \$1,500.00 plus \$20.00 per candidate, not to exceed \$2,000.00. Ms. Schmelzer seconded the motion. The votes were as follows: Mr. Pritchard, Aye; Ms. Schmelzer, Aye; Mr. Stormont, Aye. Motion passed.**

**Part-Time Firefighter Resignation** : Chief Scott asked the Board to accept the resignation of Part-time FF Nautica Smith, effective June 24<sup>th</sup>. Nautica has accepted a position with the Columbus Division of Fire and started the academy this past Monday. We wish them well.

**Mr. Stormont moved that the Board accept the resignation of part-time firefighter Nautica Smith effective June 24, 2023 . Ms. Schmelzer seconded the motion. The votes were as follows: Mr. Pritchard, Aye; Ms. Schmelzer, Aye; Mr. Stormont, Aye. Motion passed.**

**Fish Fry** : The Prairie Township Firefighters Association would like to thank our community for the support they received at this year's fish fry. Given the weather, we had great crowds, great success both days. Turnout from the community was fantastic.

**Fireworks Reminder:** Chief Scott asked the residents to please remember that although fireworks are legal in Ohio, there are rules and regulations regarding the safe handling of fireworks. Please visit the township website for a summary of the Ohio Fireworks law and links to more information.

### **Community Center**

No Community Center topics on the agenda tonight

### **Roads, Cemeteries, and Parks Department**

**Naming of Sports Complex** : Mr. McAninch recommended the Board approve officially naming the sports complex on Galloway Road and proposed naming the park Prairie Township Sports Complex. Mr. McAninch said we need to get some signs up so people know it's a township park.

**Mr. Stormont moved the Board approve naming the sports complex on Galloway Road Prairie Township Sports Complex . Ms. Schmelzer seconded the motion. The votes were as follows: Mr. Pritchard, Aye; Ms. Schmelzer, Aye; Mr. Stormont, Aye. Motion passed.**

Discussion: Mr. Pritchard said he saw the guys mowing on Emmet and said it looked great. Ms. Cornelius asked that they please not forget to pick up their fish fry signs.

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### Commercial Building and Zoning Department

**Court Case :** Ms. Scott recommended the Board approve starting the legal process for an injunction against Dan Walton Jr., and Madeleine Walton at 4714 Sullivant Avenue, Columbus, Ohio 43228, and giving Brosius, Johnson, and Griggs permission to represent this case on behalf of Prairie Township. This injunction would be for the removal of inoperable vehicles, open storage, junk, and other related violations.

**Mr. Stormont moved that the Board approve starting the legal process for an injunction against Dan Walton Jr and Madeleine Walton at 4714 Sullivant Avenue, Columbus, Ohio 43228 and giving Brosius, Johnson, and Griggs permission to represent this case on behalf of Prairie Township . Ms. Schmelzer seconded the motion. The votes were as follows: Mr. Pritchard, Aye; Ms. Schmelzer, Aye; Mr. Stormont, Aye. Motion passed.**

Discussion: Ms. Cornelius asked if the property owners know about this and Ms. Scott explained the various communications sent.

Mr. Zaleski asked if the location in question was a trailer park. The location was clarified as being across the street from the trailer park at the corner of Old Sullivant and Greener.

Mr. Valentine asked about permits for yard sales and garage sales and commented that he'd spoken about a place on Amherst that has canopies set up several days a week, saying it was more like a business. Ms. Scott said residents are allowed to have four sales per year and the property owner in question does come in to get their permits. Mr. Valentine suggested the residents have more than four and Ms. Scott said she will look into it.

Tony Self of 372 Fernhill asked what is going on with the food truck on Sullivant at Dave's Drive Thru, saying he believes they are opening it on the weekend. Ms. Scott said she will check into it.

### Administration

Nuisance Assessments: None

Nuisance Resolutions: Three Nuisance Resolutions were presented tonight:

1. Galloway Village Refuse & Debris:

Declared	Address	Parcel Number
X	4820 Medfield Way	240-004847
X	4960-4982 Medfield Way	240-004837

Comments/Issues: None

**Mr. Stormont moved that the Board adopt Resolution NU-33-23, "A Resolution declaring nuisance and ordering abatement at properties with refuse and debris ." Ms. Schmelzer seconded the motion . Roll Call votes were as follows : Mr. Pritchard, Aye; Ms . Schmelzer, Aye; Mr. Stormont, Aye. Motion passed.**



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### 2. Uncontrolled vegetation:

Declared	Address	Parcel Number
X	5410 West Broad Street	240-000479
X	4966-4968 Beacon Hill Road	240-003906
X	4970-4972 Beacon Hill Road	240-003905
X	5016-5018 Beacon Hill Road	240-003900
X	5036-5038 Beacon Hill Road	240-003933
X	250 Emmet Avenue	240-001560
X	363 Evergreen Terrace	240-002225

Comments/Issues: None

**Mr. Stormont moved that the Board adopt Resolution NU-34-23, "A Resolution declaring nuisance and ordering abatement at properties with uncontrolled vegetation ." Ms. Schmelzer seconded the motion . Roll Call votes were as follows : Mr. Pritchard, Aye; Ms. Schmelzer, Aye; Mr. Stormont, Aye. Motion passed.**

### 3. Refuse and Debris:

Declared	Address	Parcel Number
X	4655 Hilton Avenue	240-004321
X	4710 Hilton Avenue	240-004274
X	122 Norton Road	240-003088
X	279 Garden Heights Avenue	240-002986
	347 North Murray Hill Road	240-003785
X	80-160 Old Village Road	240-006829
X	768 Knight Court	241-000963
X	4750 Henley Avenue	240-004302
X	4909 Palmetto Street	240-002104

Comments/Issues: None

**Mr. Stormont moved that the Board adopt Resolution NU-35-23, "A Resolution declaring nuisance and ordering abatement at properties with refuse and debris. " Ms. Schmelzer seconded the motion . Roll Call votes were as follows : Mr. Pritchard, Aye; Ms . Schmelzer, Aye; Mr. Stormont, Aye. Motion passed.**

Mr. Pritchard asked if there had been any further communication on the status of Galloway Village. Mr. Jewell said he had not heard anything else about them declaring bankruptcy, but because he heard they will do so, he wants to get all our billings in before they do.

**Nuisance Assessments :** Mr. Jewell asked the Board to execute a "Return and Statement to County Commissioners" requesting the assessments totaling \$4,684.19 for high grass and weed abatement at (8) properties in February - June 2023 as well as execute a "Return and Statement to County

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Commissioners” requesting assessments totaling \$22,267.34 for removal of trash and debris at (17) properties in February - June 2023.

**Mr. Stormont moved that the Board execute a “Return and Statement to County Commissioners ” requesting the assessments totaling \$4,684.19 for high grass and weed abatement at (8) properties in February - June 2023 as well as execute a “Return and Statement to County Commissioners ” requesting assessments totaling \$22,267.34 for removal of trash and debris at (17) properties in February - June 2023. Ms. Schmelzer seconded the motion. The votes were as follows: Mr. Pritchard, Aye; Ms. Schmelzer, Aye; Mr. Stormont, Aye. Motion passed.**

**Flock Contract/Demo :** Mr. Jewell presented two areas where he recommended the Board place Raven Shot Spotters—one area described as the Prairie Township Sports Complex and all of Village Park subdivision; the second area described as West Columbus Park subdivision including Home Depot and part of Lincoln Village South subdivision bordered by Hilton Avenue, South Greener Avenue, Frost Avenue, and Redmond Road. Mr. Jewell asked the Board to authorize himself to enter into a one-year contract with Flock for the Raven services. The total cost of the quote we received is \$24,000.00 and said there is no installation fee. He went on to say this would give the Township an opportunity to “test-drive” the tool which, when a gunshot goes off, within 30 seconds the sheriff’s office is notified, and within a few additional seconds, the location is pinpointed.

**Mr. Stormont moved that the Board approve a contract with Flock for Raven Shot Spotter services at a cost of \$24,000.00 and authorize the Township Administrator to sign the necessary documents. Ms. Schmelzer seconded the motion. The votes were as follows: Mr. Pritchard, Aye; Ms. Schmelzer, Aye; Mr. Stormont, Aye. Motion passed.**

**DLZ Service Agreement:** Mr. Jewell said that DLZ has submitted a proposal for updating the potential park at Dellinger and Hubbard Road. Based on comments we received at the Open House in March, DLZ is going to provide preliminary drawings for us to present at a follow up open house with the public. Mr. Jewell asked the Board to authorize him to sign the service agreement.

**Mr. Stormont moved that the Board approve a service agreement with DLZ for the preliminary drawings of the proposed park at Dellinger and Hubbard Road and authorize the Township Administrator to sign the service agreement. Not to exceed \$17K . Ms. Schmelzer seconded the motion. The votes were as follows: Mr. Pritchard, Aye; Ms. Schmelzer, Aye; Mr. Stormont, Aye. Motion passed.**

**Sports Complex Signs :** Mr. Jewell presented to the Board signage he would like to display on the baseball fields at the sports complex, saying the signs recognize the funding we received from Galloway Baseball Club.

**Mr. Stormont moved that the Board approve the signs for the baseball fields that received funding from Galloway Baseball Club as presented. Ms. Schmelzer seconded the motion. The votes were as follows: Mr. Pritchard, Aye; Ms. Schmelzer, Aye; Mr. Stormont, Aye. Motion passed.**

**Alley Vacation :** Mr. Jewell asked the Board for guidance on vacating the alley way east of Gladys Road and south of West Broad Street. This alley is located south of the property line of Aaron’s Furniture Store. He asked the Board if he could submit documentation to the Franklin County Engineers Office who would then present it to the Franklin County Commissioners for their approval. / No action required unless



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decision is made.

After some discussion, the Trustees agreed to Mr. Jewell's request pending communication with Aaron's Furniture Store and their agreement with the alley vacation.

**GovDeals** : Mr. Jewell asked the Board to approve placing 19 filing cabinet on GovDeals. These filing cabinets were used by the Zoning Department and are no longer needed as the documents have been digitized. These filing cabinets are located in the room behind the meeting room. Zoning plans to use this space as their new conference room. If they do not sell, we will ask the Board to then approve of disposing of them.

**Mr. Stormont moved that the Board approve placing 19 filing cabinets on GovDeals . Ms. Schmelzer seconded the motion. The votes were as follows: Mr. Pritchard, Aye; Ms. Schmelzer, Aye; Mr. Stormont, Aye. Motion passed.**

**Discarding of Stove** : Mr. Jewell asked the Board to approve disposing of a gas stove in the Township Hall kitchen. This stove does not work and has sat in the kitchen unhooked for several years.

**Mr. Stormont moved that the Board adopt Resolution 25-23, "A resolution authorizing the discarding of a gas stove at the Township Hall ". Ms. Schmelzer seconded the motion. The votes were as follows: Mr. Pritchard, Aye; Ms. Schmelzer, Aye; Mr. Stormont , Aye. Motion passed.**

Mr. Zaleski asked if the resolution the Board just passed should have required a Roll Call Vote. Mr. Stormont agreed it should have and asked for a Roll Call. **The Roll Call votes (for the adoption of Resolution 25-23) were as follows: Mr. Pritchard, Aye; Ms. Schmelzer, Aye; Mr. Stormont, Aye. Motion passed.**

### Old Business

### New Business

### Public Comment

### Announcements

**Fish Fry** : The Prairie Township Firefighters Association would like to thank our community for the support they received at this year's fish fry. Given the weather, we had great crowds, great success both days. Turnout from the community was fantastic.

### Adjournment

Mr. Stormont declared the meeting adjourned at 8:10 p.m.

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Chairman Doug Stormont

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Fiscal Officer Natalie McKay