

## PRAIRIE TOWNSHIP BOARD OF TRUSTEES

23 MAPLE DRIVE REGULAR MEETING/DECEMBER 21, 2004

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

Mr. Wharton moved Ms. Keller seconded to recess the meeting and the second public hearing on the Property Maintenance Code ("PMC") at 7:05 p.m. to move the meeting to the fire house at 123 Inah Avenue to accommodate everyone for the public hearing on the PMC. A roll call resulted as follows: Ms. Keller; Aye, Mr. Stormont; Aye, Mr. Wharton; Aye.

Mr. Wharton reconvened the meeting and the second public hearing on the PMC at 7:30 p.m. at 123 Inah Avenue.

Mr. Wharton stated they have researched the passage of the code and what constitutes a majority for passage of the code. Basically there have been other home rule townships within the state of Ohio that have passed a property maintenance code of this nature on a majority vote. He believes it is a reasonable position based on what Boardman has done that a majority vote could be 2 to 1 for passage of this vote. He asked Mr. Griggs if that was a defensible position. Mr. Griggs stated that was a reasonable interpretation of the statute.

Mr. Wharton asked each member of the Board how they feel on this position. Mr. Stormont stated he was never consulted on the majority vote position. This was the first time that it was brought up to him about a majority decision instead of a unanimous decision. Mr. Griggs replied the Board asked him to look at if a majority vote could be taken on this issue. His position has been the best legally defensible position this Board could take is a unanimous vote. However, that is not the only interpretation of the statute that you can take. In fact, Boardman Township has taken that the position that a majority vote is all you need to adopt the property maintenance code.

Mr. Wharton stated he is of the opinion that the majority vote is enough to pass the resolution. He is looking at what has been done within the state of Ohio and is agreement with it.

Ms. Keller stated as a home rule township it can be a majority vote.

Mr. Wharton stated regardless of what happens at this meeting. This legislative body does not have the authority to put it on the ballot. Whatever decision is made here today whether it is to pass this code or not pass the code it can be put on the ballot either way.

Mr. Wharton asked the Clerk to conduct the second reading A Resolution 01-04 by title only. The Clerk read Resolution 01-04 Resolution Adopting Prairie Township Residential Property Maintenance Code.

Mr. Wharton opened the floor to residents opposing the proposed Property Maintenance Code ("PMC") approximately thirty residents made comments opposing the PMC.

Mr. Joseph Paul asked who on this Board lives in Prairie Township. Mr. Wharton replied all the elected officials are required to live in the Township.

Mr. Brian Short stated only one man that deserves his vote come next election and he'll get along with his financial support. The other two people without consulting the members of the community and you're going to dictate to us what is best for us. He doesn't need you or her telling me how to take care of my property. He knows how to take care of his property.

## PRAIRIE TOWNSHIP BOARD OF TRUSTEES

23 MAPLE DRIVE REGULAR MEETING/DECEMBER 21, 2004

Mr. Shawn Griggs stated on the code you have building grains you must have proper gutters and down spouts. The Township patched a ditch up and pumps water right to his property. The Township cuts down debris down and let it lay then send them a letter to haul it off. Why should they haul it off when the township cut it down. He has a brother in the military and received a letter to move his truck and wanted to know why.

Steve Kennedy stated he is against the code he feels most people feel they don't need a government body telling them when or how to maintain their property. He feels the more people that show up at the meetings and voices their opinions and the Board does not listen to what the majority wants. He stated the law is clear that the Ohio Revised Code clearly states that it takes a unanimous vote from the Board. He feels when the other two Board members found out that Mr. Stormont wasn't voting for the PMC the Board looked for another way around it. Another way around it is to say the Board will put it in as a resolution where it only takes two of the three votes. He feels the Board is creating law and if they want to break the law they deserve any punishment that comes their way. He is going through the procedure to file the referendum and put it on the ballot. He hasn't decided what he is going to do legally to see what can be done about breaking the law with a majority vote.

Mr. Jim Kennedy stated since this is going to be on the ballot there isn't much to talk about and to go vote. He wished everyone a Happy Holiday.

A resident asked Mr. Griggs about the majority interpretation and what the other interpretation was. Mr. Griggs stated that it would need to be unanimous. He asked why it would be legal with a two thirds vote. Mr. Griggs stated Ohio Revised Code 504.13 if a limited home rule adopts a building code or any other standard code that they have to follow the procedures of Ohio Revised Code 505.75 and it states if you adopt a building code it must be by unanimous vote. If you are adopting a model code then it is clear you need to abide by ORC 505.75 if you are adopting a building code or any other standard code. ORC 504.04 is the provision that the limit home rule can exercise also all powers of local self government unless specifically directed otherwise. The position would be that we are not adopting a model code we are adopting our own regulations for residential property and you do that by adopting a limited home rule resolution which requires a majority vote. He has given the Board two options to take. The resident asked why Mr. Stormont was not informed of this and Mr. Griggs replied that he has kept Mr. Stormont informed.

Ms. Tracy Miller stated this is the first meeting she has attended and was not pleased how the Mr. Wharton has conducted himself. It was her understanding that at prior meetings everyone was told it had to be a unanimous decision that somewhere along the way it got changed to a majority vote and Mr. Stormont that was not aware of that. She does not think the stipulation of the Board being able to change the code without the resident's prior knowledge. She asked why in this code why you can change this code however and whenever without the prior vote of the resident's of the township. Mr. Wharton stated that the code can be amended by the Board at any time. She has a real problem with that.

Mr. Dennis Mishney asked his property is zoned agriculture he has four and half acres and if this code applies to him. Mr. Wharton stated that agriculture property is exempt from the PMC.

Ms. Margaret Maggard stated that if you're an adult enough to own a property and pay taxes you should be adult enough to take care of your property. She works hard to keep her property up and any time that anyone sitting here wants to come on her property to repair her roof, fix her gutters, mow her grass and trim her trees they are more than welcome to do it for free. She doesn't want someone telling her what to do with her property. She lives on Gladys and when they elevated the road her property gets flooded and she can't make her property nice because of the flooding. She feels everyone should have a vote on this.

## PRAIRIE TOWNSHIP BOARD OF TRUSTEES

23 MAPLE DRIVE REGULAR MEETING/DECEMBER 21, 2004

Ms. Pam Alley stated she takes of her property. She asked what rules govern this Board. Mr. Wharton replied they follow the Ohio Revised Code. She asked Mr. Griggs if this was the maximum amount of trustees that could represent the township. Mr. Griggs replied that there is a provision that allows a township to have up to five trustees. She thinks they need to get additional people to set on the Board to represent the people. She feels the Board needs to listen to the people that they serve.

Mr. Robert Grant stated he has seen improvement in the township and doesn't feel the code is needed. He feels it should be voted on it.

Mr. Dan Walton stated this is the Westside it is good place to live at a fair price. We are not going to be Muirfield. The only problem we have is crime not zoning violation. When it comes to zoning problems that is what courts downtown are for. He asked who pays the Boards salary. He feels what is going on is the Board is looking for higher salaries. Mr. Wharton replied that their salaries are set by the legislature. He asked why the Board doesn't feel this needs to be put on the ballot and voted on. Mr. Wharton replied the Board does not have the authority to put it on the ballot.

Mr. Jerry Haywood stated he has been here for 39 years and he feels the Board is selling him out.

Mr. Joe Paul asked where the money from the fines is going to go. Mr. Wharton replied that he didn't see where this is going generate a lot of money.

Mr. Roy Decker asked if he wants to sell his property that does he need to go to the Board or the mortgage company.

Ms. Tracy Miller asked when she purchased her property and she received a letter from the City of Columbus telling her that she needed to replace her sewage system and hook up to City sewer line that would cost her \$10,000.00 because she purchased a home that didn't pass federal and state laws when she purchased it. She was told if she did not do this that her home would be foreclosed on.

Mr. John Waldman asked about rezoning property. Mr. Griggs replied there is a process to follow to have a property rezoned from agricultural to residential. He feels government should not tell him how to live.

Mr. Mark Hamms stated he has 11 acres and was zoned agricultural now he finds out that he is residential. Ms. Swisher replied the only change that has been made on Alkire Road is from Agricultural to Rural. He asked if he was truly exempt from the code. Mr. Griggs replied if you are using your property for agricultural purposes then you would be exempt from the code. He has received letters for brush pile that needed removed. He feels this is a waste of government.

Mr. Tony Queen asked that in the December 8, 2004 minutes that at the next meeting the Board would need to vote the code in. Mr. Wharton replied that he has already addressed that issue.

A resident asked where all this started. Mr. Wharton stated again this is an additional tool for zoning and with a PMC Prairie Township does qualify for grants. He agreed with everyone that has spoken prior and believes this needs to be voted on.

A resident asked who is going to protect him against his neighbors calling and complaining about him. Mr. Wharton replied this is not going to solve neighbors bickering against one another. The resident said it isn't going to solve the problem it's going to cause problems. The resident asked about the towing company in New Rome and why they don't have to comply with the rules. Mr. Wharton replied that is a commercial property and they are exempt from the PMC.

PRAIRIE TOWNSHIP BOARD OF TRUSTEES

23 MAPLE DRIVE REGULAR MEETING/DECEMBER 21, 2004

Mr. Bob Fil stated his is in favor of the PMC. He wants to keep the community nice and is in favor of this.

A resident asked Mr. Stormont why he was against it. Mr. Stormont replied that he wasn't totally against it and thinks it should be voted on. She asked what Mr. Stormont didn't agree with in the code. Mr. Stormont replied that there were several things he didn't agree with and wasn't going to point all of them out. But he thinks there is the ability that it could be abused neighbors calling in on neighbors.

A resident stated if you keep your property up you won't have any problems.

Mr. Tom Wright stated he has received a complaint letter before and worked out the problems and doesn't understand why the appeals board won't work instead of the PMC. He feels the PMC is a way to pick and choose who you want to be against. He restores cars for a hobby and his garage is not big enough for his cars and according to the zoning code he is in violation and has 30 days to fix the problem. He feels the PMC is a ploy to please other people.

Ms. Holly King stated she lives in the flood plan and she can not build a shed to put her lawn mower in but they can build more homes around her to increase the flooding and she can be fined for leaving her lawn mower out but the builders are not fined for causing flooding.

Mr. David Hawkin asked who is going to do the inspections. He asked what are we gaining by passing this if there is already a zoning code in place. Mr. Wharton stated again we are gaining an additional tool for zoning to resolve problems through an informal process verses going to court.

A resident asked about the street lights in New Rome and how can they get them turned back on. Mr. Wharton asked that she bring this to the next Trustee meeting.

Ms. Marion Reeves stated she is opposed to the PMC because she doesn't want anyone telling her what do with her property.

Mr. George Stuber stated he is against the PMC at the last meeting it was stated it had to be a unanimous vote and now it's a majority vote. Mr. Griggs stated that the best legally defensible position the Board could take is by unanimous but it's not the only position to take.

Mr. Dennis Skaggs stated he sees a lot of good things and some bad things and he is mixed on this. He stated if you don't like living in the township then move out. He stated there are a lot of things that need improved in the township.

A resident stated he doesn't like that the Board can amend this any time they want. He feels this is taking away his freedom of what he can do with his property.

A resident wanted to hear more about the Boardman Township decision as far as what effect it had on their township. He feels if this passes that no one would want to move to Prairie Township. Mr. Wharton replied that Boardman Township made their decision on the limited home rule ability.

A resident asked when the road department cuts down branches and leaves them lay there who does he send the bill to to have them hauled away.

Mr. Ray Papst stated there are good points and bad points in the PMC. He is opposed to the PMC. He stated there have been railroad ties on his road and the township has done nothing to get them removed.

Mr. Rick Cline asked if an inspector writes a fine that you have the right to appeal.

## PRAIRIE TOWNSHIP BOARD OF TRUSTEES

23 MAPLE DRIVE REGULAR MEETING/DECEMBER 21, 2004

Who is on that Board? Mr. Griggs stated it is the Board of Zoning Appeals an independent body from the Board of Trustees.

Mr. Wharton opened the floor to residents in favor of the PMC approximately eleven residents made comments in favor of the PMC. A question and answer discussion followed.

Ms. Jan Pitts stated under the current zoning code the only option to fix the problems is to take people to court. Why spent the tax dollars to take people to court if we could pass a PMC that will give additional tools other than taking people to court. People of low income would be eligible for grants with a PMC in place. She agreed we are adults and should take care of our properties however, she has received phone calls from her neighbors that one house had 22 people living in it, neighbors grass 3 foot high, abandoned homes, neighbors not cleaning up after their pets.

Mr. Russ Pitts stated he is in favor of the PMC because he has taken several complaints to the Board and there is nothing they can do. Who is going to buy his house if it sits next to a junk yard?

Mr. Bob Grimm stated he doesn't understand what the people that opposed to the PMC are afraid of. He stated the township needs the PMC. He stated the people that are opposed to take pride in your community and have respect for your neighbors. He stated no one is trying to take away your freedoms. He urged the Trustees to vote in favor of the PMC and bring Prairie Township in line with everyone else in the state of Ohio.

Mr. Don Keller stated he thinks the PMC is a step forward for Prairie Township. It is a tool to enhance the current zoning code. It is an opportunity to improve the community and enhance the property values and that is not a bad thing. He is in favor of the code.

Mr. David Conrad stated he is in favor of property rights and property values. He feels those who currently violate zoning regulations and those who oppose any intent to strengthen the enforcement of the codes now in place are infringing on both his property rights and values. He has the right to expect that the investment he makes in his home will be protected from the actions by the chronic violators who have no concern for either the property rights or the property values of their neighbors. This is who this code is going to have the most impact on. Ninety nine point nine percent of the residents will never know it is in existence. He thinks the Boards unanimous vote in favor of the resolution would be the first step in the right direction.

Mr. Glen Hymer stated he is in favor of the PMC and he was the one who requested that the PMC be re visited after passage. The only way to improve the Westside is to work together. He urged the Trustees to take action. With the PMC will work with residents instead of going to court.

Ms. Wendy Buckley stated you don't receive a fine on the first letter that you receive. The PMC allows for residents to resolve the problem before any tax dollars are spent on going to court. She received a letter in opposition in her mailbox illegally.

Mr. Dennis Grossman stated he is in favor of the PMC. He stated Columbus has a PMC and every surrounding area has a PMC so why shouldn't we.

Ms. Judy Stalter stated she has watched areas in the township be decimated, one house is abandoned it goes downhill and the next one. If you take care of your home then others will follow. The problem is the one tenth of residents who don't take care of their property. She is in favor of this, she served on the committee and made suggestions for changes and the Board listened. She would like to see the vote unanimous.

## PRAIRIE TOWNSHIP BOARD OF TRUSTEES

23 MAPLE DRIVE REGULAR MEETING/DECEMBER 21, 2004

Ms. Case Bradley stated it is very important her for the Board to know that she is very much in favor of the PMC for several reasons. Her neighbors can't clean out their gutters and water is running onto her property. Another neighbor has seven vehicles on their property. She feels if you really care about your property that you won't be fined.

Ms. Jill Cobb stated she has a neighbor that has not lived in her home for the last four years. She had a broken water pipe in her basement and did nothing about it. She thinks it should go for a vote.

Steve Kennedy asked about the grants that would be available.

Mr. Hatmaker stated there was someone here from the county earlier but had to leave. Mr. Hatmaker read a statement outlining that a PMC is critical and necessary step to have grant funds available.

Ms. Keller stated the following:

Before I vote, I have a few comments.

We have listened to proponents of the code. And we have listened to the same negative arguments over and over, most of which are based on inaccurate information and allegations regarding the Property Maintenance Code which are simply not true. There has been an effort to mislead people by resorting to emotional fear tactics and non credible information. Some people are listening to this rather than reading the code or asking intelligent questions to get reasonable and true answers.

For example, flyers have alleged that you can't sell your home without interference from the township if this code is put in place. The average Prairie Township homeowner has no constraints on selling their property if they wish except for perhaps their property value which can be directly affected by an irresponsible neighbor's house and/or the area. If someone with major violations has not reconciled with the township or has failed to even attempt to remedy the problems, any fines would be no different than a lien on the property for failing to pay taxes or failure to pay a contractor who has done work on your property for you. I believe that these are a very small minority of cases.

The true purpose of the code is to deal with the chronic and perpetual offenders of the zoning code. The township spends thousands of dollars on attorney fees and years in court as well as countless staff hours on the same offenders. This code provides for a more efficient way to deal with these problems. This code provides for steps to deal with problems. The purpose of this code as well as the Zoning code is to attempt to achieve voluntary compliance for the betterment of the community.

Another allegation is that the Board of Trustees will have some sort of hold over property owners. I challenge people to better understand how their local government works. If the Property Maintenance Code is passed, this board will not enforce, write infractions or arbitrarily direct staff to single out anyone. The Board of Zoning Appeals will hear any cases brought before them by a homeowner. As for the criticism expressed toward the BZA and the Zoning Commission, let me say that it is offensive and ludicrous to label these citizens as taking your rights away. These are neighbors of yours who willingly give their time to the township in attempt to make it a better place to live. And, the zoning staff is here to assist you with answers and remedies to zoning problems.

The township is not out to find every paint chip. If you have had no zoning problems in the past, then you will probably have no issues with the PMC. I believe that the vast majority of homeowners keep their property in good condition and this code will not affect them in the least. It is the few that taint and mar our community and directly affect property values and potential buyers who do not want to live next to unkempt property.

Another aspect that this code will hopefully assist with is acquiring county monies to aid those on fixed incomes or low incomes that may not have the resources to invest in maintaining their property. It is pathetic for those circulating the flyers to

PRAIRIE TOWNSHIP BOARD OF TRUSTEES

23 MAPLE DRIVE REGULAR MEETING/DECEMBER 21, 2004

strike fear into the hearts of older citizens who might well be eligible for such money.

This process has been going on for seven months or so. There has been plenty of opportunity for reasonable education on this matter. Numerous articles have appeared in the local papers and numerous meetings have been held as well. There have been hard copies as well as internet availability of the code. Hopefully most people have attempted to educate themselves and ask pertinent questions of staff and township officials rather than rely on rumors. I do not believe that Prairie Township's responsible homeowners should be negatively affected by a few uninvolved and ill-informed citizens who panic at the last minute in response to rumors.

The citizen committee that was formed was done so to provide constructive input. Generally speaking, this committee worked to make this code not just some model code that fits anyone, but one that will address the needs of Prairie Township in particular.

. Gone are the days of our totally rural township where life was seemingly simple. We have a lot of work to do to remain vibrant and compete with the pressures from Columbus. In my view it is better to cooperate and work together. This board has not always agreed but I believe there is a cooperative spirit and that's how we will survive. Now is the time to reverse the trend of declining areas of the township. If we wait until it's too far gone it will be a monumental task.

Now, I would like to speak to the final rationale behind my vote. To quote Sir Edmund Burke, "Your representative owes you, not his industry only, but his judgment; and he betrays, instead of serving you, if he sacrifices it to your opinion." In other words, we were elected to make sound and educated decisions based on the good to the community. To not take an active role in decision making is to renege in your responsibility as an elected official. And, to coil in the face of threats and rumors is fundamentally wrong and cowardly. We are charged with making decisions all the time. This is no different. It is time to make this decision based on all of the information provided and not just that of a straw vote by a small interest group. I firmly believe that this code is a constructive document that will enhance the quality of life and provide for the betterment of the entire community. With that said, my vote is "aye".

Mr. Stormont stated this is a very important issue for the Township. I want to make it clear that I have no alliance with any. I have spoke with people about this and they want to vote on this. He has spoke with people in Little Farms, Lincoln Village North and South, Mix Road area and WestPoint. He received 35 phone calls over the letters that were passed out, 18 people visit him at the bar, work and at home. He would like to see it go to ballot. It is not perfect for everyone because it is such a diverse township and he is not sure if you could ever get a code that was perfect for the township. But he still feels it needs to go to a vote to the people and his vote is nay.

Mr. Wharton stated he is well on record in favor of the code. It is useful additional tool for our zoning resolution. He thinks it will be on the ballot.

Mr. Wharton moved, Ms. Keller seconded the Board adopt Resolution Adopting Prairie Township Residential Property Maintenance Code. A roll call resulted as follows: Mr. Stormont, Nay, Ms. Keller; Aye, Mr. Wharton; Aye.

Ms. Keller asked the Clerk to conduct the second reading of Resolution 02-04 by title only. The Clerk read Resolution 02-04 Resolution Adopting Prairie Township Limited Home Rule Citation.

Mr. Wharton moved Ms. Keller seconded the Board adopt Resolution Adopting Prairie Township Limited Home Rule Citation. A roll call resulted as follows: Mr. Stormont; Nay, Ms. Keller, Aye, Mr. Wharton; Aye.

The Clerk presented the following items:

After the Trustees reviewed the pending warrant list, Ms. Keller moved, Mr. Wharton seconded the Board approve the payment of the Paycor payroll in the amount of

PRAIRIE TOWNSHIP BOARD OF TRUSTEES

23 MAPLE DRIVE REGULAR MEETING/DECEMBER 21, 2004

\$102,826.15 and approve payment of the following bills. Vote; Aye. (See pending warrant list).

Mr. Wharton moved, Ms. Keller seconded the Board approve the following supplemental appropriations. Vote; Aye.

\$5,811.48 from 1000-110-315-0000 to 1000-110-599-0000.  
\$10,000.00 from 1000-760-321-0000 to 1000-110-599-0000.  
\$7,900.00 from 1000-760-710-0000 to 1000-760-720-0000.  
\$100.00 from 1000-110-314-0000 to 1000-110-240-0000.  
\$3,000.00 from 1000-390-190-0000 to 1000-390-410-0000.  
\$3,000.00 from 1000-390-410-0000 to 1000-390-420-0000.  
\$1,000.00 from 1000-110-312-0000 to 1000-110-141-0000.

There being no further business to come before the Board, the meeting was adjourned at 10:40 p.m.

---

Chairperson

---

Clerk