

## RECORD OF PROCEEDINGS



### PRAIRIE TOWNSHIP BOARD OF TRUSTEES

APRIL 22, 2009 – REGULAR MEETING  
7:00 P.M.

23 MAPLE DRIVE  
COLUMBUS, OHIO 43228

The regular meeting of the Prairie Township Board of Trustees was called to order on April 22, 2009 at 7:00 p.m. by the Chairman, Mr. Stormont, with Mr. Kennedy, Ms. Schlosser and Mr. McCardle present. Also in attendance were Mr. Hatmaker, Township Administrator, Chief Feustel and see attached list.

Mr. Stormont led the Pledge of Allegiance.

**Mr. Stormont moved, Mr. Kennedy seconded the Board approve the minutes for the regular scheduled meeting held on April 8, 2009. Votes were: Mr. Stormont-Aye: Mr. Kennedy-Aye: Ms. Schlosser-Aye. Motion passed**

#### Sheriff's Report

Corporal Goodrich appeared before the Board and stated he had the static's for the month of March and he stated during this time they had 6 domestic runs, 5 felony arrests, 66 misdemeanor arrests, 43 prisoners conveyed, 30 vehicles were impounded, 2 stolen vehicles were recovered, 50 traffic warnings were given, 134 non-crash citations, 16 crashes were investigated and 280 business checks. Corporal Goodrich stated he had an accumulative list of statistics for second shift and he will obtain an accumulative list for all three shifts and have it dropped off so everyone will have a copy. Jamie Muller, from the Lincoln Lodge, asked Corporal Goodrich if someone in Prairie Township could be arrested for graffiti and where would this show up on the report. Deputy Goodrich stated it would not show up on the report because if they would arrest someone for this, it would show as a misdemeanor arrest.

#### Fiscal Officer's Report

Mr. McCardle requested the Board's approval for a \$21,000.00 supplemental appropriation moving funds from the Road and Bridge Fund – Contract Services (2031-330-360-0000) into the Road and Bridge Fund - Repairs and Maintenance – (2031-330-323-0000). These funds are being moved to cover the roof replacement at the Road Department maintenance building.

**Mr. Stormont moved that the Board approve a supplemental appropriation moving \$21,000.00 from line item 2031-330-360-0000 (Road and Bridge Fund – Contract Services) to 2031-330-323-0000 (Road and Bridge Fund - Repairs and Maintenance).**

**This motion was seconded by Ms. Schlosser. Votes were: Mr. Stormont-Aye: Mr. Kennedy-Aye: Ms. Schlosser-Aye. This motion passed.**

Mr. McCardle requested the Board to approve this week's warrants summing \$179,087.17 along with this week's payroll summing \$116,823.65 for a total cash disbursement of \$295,910.82.

**Mr. Stormont motioned "So Moved". Motion was seconded by Mr. Kennedy. Votes were: Mr. Stormont-Aye: Mr. Kennedy-Aye: Ms. Schlosser-Aye. Motion Passed.**

#### Standing Business:

##### Zoning Department:

The Zoning Department had no items on tonight's agenda therefore Ms. Swisher had been excused from attending tonight's meeting.

##### Road and Cemetery Department:

The Road Department had no items on tonight's agenda therefore Mr. McAninch had been excused from attending tonight's meeting.

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#### Fire Department:

Chief Feustel requested the Board consider the approval of three Panasonic C-19 toughbook laptops for the medics. These laptops will be used for EMS reporting and will allow the medics to leave a report at the hospitals. Presently the laptops they are using are three years old, the warranty is expiring and the warranty is more than triple in cost after three years and there are a number of hardware issues. The Panasonic's are military grade, they can withstand thirty drops of three feet, are waterproof and have a number of features to help protect the data security and data integrity and if one is stolen, the machine can be tracked down and shut off remotely. Chief Feustel requested the approval to spend up to \$16,500.00 for the purchase of three Panasonic C-19 toughbook with the mounting hardware and the installation of these in the medics. Mr. Kennedy asked Chief Feustel if he had this purchase appropriated for and Chief Feustel stated he did.

***Mr. Stormont moved that the Board approve the purchase of three Panasonic C-19 toughbook laptops at a cost not to exceed \$16,500.00***

***This motion was seconded by Ms. Schlosser. Votes were: Mr. Stormont-Aye: Mr. Kennedy-Aye: Ms. Schlosser-Aye. This motion passed.***

Chief Feustel had some announcements for the public. He stated the Department will be doing hydrant flushing starting the first week of May. Normally they can finish in one week but they do allow one full month. There will be a press release in the newspapers as well.

Chief Feustel also announced that the department is trying to provide the township with the best fire response they possibly can. In an effort to be more rapid and consistent to some of the areas that are further away from our fire stations, Chief Feustel has asked the Columbus Fire Department to assist them in getting to the location first. This does not mean the Prairie Township is not coming, but Columbus might have an engine or ladder closer than the township has. So the Department is doing a limited area fire response with Columbus and Chief Feustel presented a map and explained to the audience how this will be set up. Chief added that there is going to be a 6 month probationary period to evaluate the effectiveness of this plan, and at this time the plan did not include our EMS Squad services.

#### Administration:

Mr. Hatmaker asked for the Board's direction on a trash and debris nuisance case at 6241 Galloway Road.

***Mr. Stormont moved that the Prairie Township Board of Trustees find the conditions at 6241 Galloway Road to be a nuisance and that the Board hereby directs staff to abate said nuisance at the expense of the property owner(s) as per the requirements in Ohio Revised Code Section 505.87.***

***This motion was seconded by Mr. Kennedy. Votes were: Mr. Stormont-Aye: Mr. Kennedy-Aye: Ms. Schlosser-Aye. This motion passed.***

Mr. Hatmaker stated that Staff received a report from Ms. Moore, a resident of Mix Avenue, about some buildings on Mix Avenue. Mr. Hatmaker asked the Fire Chief to have the Fire Marshal to investigate these locations. Two of the locations are 324 and 330 Mix. These houses appear to Ms. Moore to be structurally unsound and are a blight to the area. Assistant Chief Good looked at these buildings and has provided letters stating that the building at 324 Mix is secured at this time with a chain link fence; however, he added that the Fire Department considers this house unsafe and/or structurally defective. Assistant Chief Good also provided the same statement for 330 Mix Avenue that it is unsafe and/or structurally defective as well as for 455 Mix Avenue.

455 Mix Avenue is a contempt case that the Zoning Department and the Health Department is pursuing. The Health Department received from the Environmental Court a hand written order, giving them broad authority to go in and do what they needed to do. The Zoning Staff and the Board of Health are now seeking something more formal.

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At 330 Mix Avenue, there was a fire last year. The employer of one of the two brothers, who lived at this property, has made a commitment to take care of the property and remove the structure at their expense. Chief Feustel is continuing to discuss that possibility with them.

Mr. Hatmaker requested the Board pursue action under Section 505.86 of the Ohio Revised Code which permits the Board to order the removal of unsafe structures and have the cost of this assessed to the property owner. This process is a thirty day process involving notices, etc. The Board could declare each of these properties to be unsafe and start the process in any or all of these cases or decide that some other alternative action is preferable. Mr. Kennedy stated he looked at all three properties and they all need torn down. 455 Mix has been a thorn in our side for years and his main question is the cost of the clean-up as it is a very large property with a large amount of debris. The clean-up could be in the thousand of dollars and Mr. Kennedy would like to know what the Board of Health's plan is in the cost of the clean-up. Mr. Hatmaker stated he has not had any discussions with the Board of Health but he would as they have taken the lead on the case. Ms. Schlosser stated she would like to declare 324 Mix Avenue as an emergency and Mr. Stormont stated he had no problem declaring all the properties an emergency. She agreed. Mr. Hatmaker stated that in the case of an emergency, the Board could use an alternate method of notifying the owner by certified mail and the thirty day waiting period is flexible. Ms. Schlosser stated that if they declare an emergency on the one with the owner who wants to participate, the Board will work with them. Mr. Kennedy stated declaring an emergency will help notify the owner earlier but he doesn't believe in 30 days, the Board will have a plan in effect to clean up the properties. On 455 Mix Avenue, Mr. Kennedy stated he is relatively sure, there is asbestos in the building and if there is, the clean-up will take a lot longer than 30 days. Ms. Schlosser stated the owners have abated the system long enough. Declaring an emergency allows the Board the ability to use alternative modes to notify the owner versus them continuing trying to evade the system of being notified and dragging it on and on.

Mr. Stormont asked Mr. Hatmaker if the notice requirements were easier if the Board did the emergencies. Mr. Hatmaker stated it specifically states in the code that the certified mail requirement is waived. Ms. Schlosser stated we are running into the summer months and with kids out of school, there could be a lot more dangerous situations.

***Mr. Stormont moved that the Board of Trustees acknowledge the April 13, 2009 letter from Fire Marshall Mark Good declaring the building at 324 Mix Avenue to be unsafe and direct the Township Administrator to provide for its removal as per Section 505.86 of the Ohio Revised Code, as well as find that this situation constitutes an emergency, thus waiving the requirement for notice via certified mail and a thirty day waiting period.***

***This motion was seconded by Ms. Schlosser seconded. Votes were: Mr. Stormont-Aye: Mr. Kennedy-Aye: Ms. Schlosser-Aye. This motion passed.***

***Mr. Stormont moved that the Board of Trustees acknowledge the April 13, 2009 letter from Fire Marshall Mark Good declaring the building at 330 Mix Avenue to be unsafe and direct the Township Administrator to provide for its removal as per Section 505.86 of the Ohio Revised Code, as well as find that this situation constitutes an emergency, thus waiving the requirement for notice via certified mail and a thirty day waiting period.***

***This motion was seconded by Mr. Kennedy seconded. Votes were: Mr. Stormont-Aye: Mr. Kennedy-Aye: Ms. Schlosser-Aye. This motion passed.***

***Mr. Stormont moved that the Board of Trustees acknowledge the April 13, 2009 letter from Fire Marshall Mark Good declaring the building at 455 Mix Avenue to be unsafe and direct the Township Administrator to provide for its removal as per Section 505.86 of the Ohio Revised Code, as well as find that this situation constitutes an emergency, thus waiving the requirement for notice via certified mail and a thirty day waiting period.***

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***This motion was seconded by Ms. Schlosser seconded. Votes were: Mr. Stormont-Aye: Mr. Kennedy-Aye: Ms. Schlosser-Aye. This motion passed.***

Mr. Hatmaker said that it is noted that the Board would like for us to work with other agencies and private individuals to try and find the most expedite and affordable way to remove the buildings and recognizing it is an emergency in each case.

Mr. Hatmaker stated his next two items relate to the Big Darby Accord. Mr. Hatmaker mentioned that on April 14<sup>th</sup> and on April 20<sup>th</sup>, Franklin County – first and then the City of Columbus – second, passed three pieces of legislation. One was approval of a contract to provide sewer and water without annexation to an approximate 300 acre area within Prairie Township as well as to extend sewer to the Village of Galloway, approximately 70+ homes. This was a very historic piece of legislation as it has been decades since the City of Columbus has extended these facilities into Prairie Township without annexation. Approximately 1000 homes can be constructed under this contract in addition to serving existing residents as well.

Mr. Hatmaker stated in addition to the above, both government's adopted a revised revenue program and they both adopted a Town Center Master Plan. The Town Center Master Plan participation agreement is an agreement that Prairie Township would enter into with Brown Township, Franklin County and the City of Columbus for the preparation of a master plan for the township center area which is one of the recommendations of the Big Darby Accord. This area from Amity Road west to the county line, between West Broad and I-70, would fall in Brown and Prairie Township. There would be about 5,000 dwellings built in this area and this area would follow all the storm water requirements, have mixed used components and would receive sewer and water from the City of Columbus without annexation. This master plan would be prepared by a team of consultants led by Urban Design Associates, out of Pittsburgh. There are other firms with range of expertise involved. One of the important firms is RSL (Marketing and Real Estate Firm) from Bethesda, Maryland. They would closely analyze what kind of mix and development type is going to be more feasible as far as the market goes. This is a \$500,000.00 project. Prairie Township's share split over two years will be \$85,000.00. Brown and Prairie Township each would pay \$85,000.00 under the proposal, City of Columbus will pay \$50,000.00 and Franklin County will pay \$280,000.00. Mr. Hatmaker then requested that the Board approve and authorize the Chair to execute the Big Darby Accord Town Center Master Plan Consultant Participation Agreement.

Mr. Kennedy added "this Board has promoted the Darby Accord since their first day in office. There were a lot of nay sayers along the way that said anytime you work with Columbus, they are going to be the 800 pound gorilla in the corner and you are not going to get anything out of this. The water and sewer agreement that Columbus signed on Monday is the first one that Mr. Kennedy is aware of since Lincoln Village. Village Park was added after only after their original system had failed, so this is the first time in over fifty years that unincorporated Prairie Township will get new housing the way that we want it. It will be conservation housing to the Darby Accord plan, these won't be standard size entry level houses, and there will be a mix of houses, with at least 50% open space for every property. There have been a lot of people who came to the table and people working together, Brown and Prairie Township, the county and the city. It is unheard of to get this level of cooperation out of all these entities together, with every body getting an equal stake out of it. There could be up to 1000 homes and the Town Center Plan calls for an additional 5000 to the west and all of the new houses will be in Prairie Township, unlike the previous norm that all this land would have been annexed into the City of Columbus".

Ms. Schlosser stated that one of the things that come to people's minds is, "Why are we still going down this path in this economic situation?" This particular effort was going on before we took office and the economy will get better and as it does we have to continue to make sure we are poised for the right kind of growth. We don't want to be in situation where we haven't positioned ourselves well for the right type of growth. We have been working on this for at least the time we have been in office. This will help poise the Township for the right type of growth and ensure that we properly plan this out.

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**Mr. Kennedy moved that the Board approve the Big Darby Accord Town Center Master Plan Consultant Participation Agreement and authorize the chair to sign the agreement.**

**This motion was seconded by Ms. Schlosser. Votes were: Mr. Stormont-Aye: Mr. Kennedy-Aye: Ms. Schlosser-Aye. This motion passed.**

Mr. Hatmaker stated the revenue program is the foundation of the Big Darby Accord. The development that takes place in the Big Darby Accord area will be generating revenue that helps purchase open space, stream restoration and other projects that will protect and enhance the water quality of the Big Darby watershed. This revenue program states how these revenues would be raised from tax increment financing, from development contributions and from community authorities and channeled into Big Darby projects as well as to Local Governments so they can cover the initial expenses of growth because one thing that none of the partners, including Prairie Township and the Board want to happen, that we encourage growth that can't pay for itself and the residents pay the cost of additional services. This revenue program is important for both of the following reasons:

1. To make sure the township can provide services without the additional burden being put on the residents.
2. To implement to goals of the Big Darby Accord.

Mr. Hatmaker explained that the basics of the revenue program are no different than what was adopted in December however two changes have been made:

1. It has been expanded to include more background discussion and some clarity on the background
2. It takes away creating a panel or a group to oversee the revenue efforts. All of the jurisdictions felt it was in their best interest not to have somebody telling them what to do with every cent.

Mr. Hatmaker then requested that the Board approve the slightly revised revenue program.

**Mr. Stormont moved that the Board approve the revised Big Darby Revenue Program, Revised April 9, 2009.**

**This motion was seconded by Mr. Kennedy seconded. Votes were: Mr. Stormont-Aye: Mr. Kennedy-Aye: Ms. Schlosser-Aye. This motion passed.**

Mr. Hatmaker requested approval for the Road Department estimate for the 2009 road resurfacing project list. Dave McAninch had submitted a spreadsheet with the number of projects highlighted and some of the applications and pavement types he would recommend for each project to the Board. His initial cost estimate summed \$320,473.50. Mr. McAninch had recommended that his submission be approved with the exception of the Galloway Cemetery roads and Old Hall Road, as deferring these projects would reduce the estimated cost to \$265,227, which is below the appropriated amount for this project.

**I move that the Board direct the Road Superintendent to work with the Franklin County Engineer to proceed with the 2009 Prairie Township road resurfacing project as highlighted in yellow on the spreadsheet submitted by the Road Superintendent and entitled "Prairie Township 2009 Road Resurfacing," with exceptions of Old Hall Road and the Galloway Cemetery roads, at a projected cost of \$265,227.00.**

**This motion was seconded by Ms. Schlosser. Votes were: Mr. Stormont-Aye: Mr. Kennedy-Aye: Ms. Schlosser-Aye. This motion passed.**

Mr. Hatmaker stated in 2007 or 2008, the Franklin County Planning Staff notified the township that they had discovered in reviewing the County Planning Commission statute, that home rule townships have an appointment to County Planning Commission. At that time, the Board appointed Trustee Schlosser to

fill that role which was a three year appointment. However, there still isn't an alternate named. Ms. Schlosser stated there was a situation where she could not attend the Planning Commission meeting

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and since there is no alternate, no one could attend in her absence. Ms. Schlosser is asking to have an alternate named in those emergency situations where Ms. Schlosser cannot attend; she could then reach out to one of her peers to do so. Mr. Kennedy asked who is qualified and Mr. Hatmaker stated that any county resident could be selected as an alternate. Ms. Schlosser also explained that if they do not have a quorum, they cannot go forward with a meeting. That is why she is requesting that an alternate be chosen. Mr. Stormont asked if the Board had the option of selecting Connie Swisher as an alternate. Mr. Hatmaker replied that staff could be an alternate. Mr. Kennedy then suggested that maybe the Board should table this matter to check and see if it is OK with Connie and if not, it will give the Board two weeks to think about what options the Board wants to pursue.

Mr. Hatmaker then presented the contract for the South Grener Phase 1 Road Improvements Project. Double Z Construction Company was awarded the contract on March 25, 2009 in the amount of \$918,153.40. Stantec Consultants had prepared the contract books and they were ready for signatures. Mr. Hatmaker requested the Board approve and execute the documents.

***Mr. Stormont moved that the Board approve and execute the contract with Double Z Construction Company for the completion of Phase I of the Grener Avenue project and authorize the Chair to sign and execute the Notice to Proceed and Notice of Commencement of Public Improvement documents, which are included in the contract binder.***

***This motion was seconded by Ms. Schlosser. Votes were: Mr. Stormont-Aye: Mr. Kennedy-Aye: Ms. Schlosser-Aye. This motion passed.***

Mr. Jamie Muller asked Mr. Hatmaker if the residents will have to pay income tax in the new subdivision on Galloway Road. Mr. Hatmaker said they would not.

Mr. Neil Distelhorst asked Mr. Hatmaker about exclusion of the road in Galloway Cemetery from the annual 2009 road work project. He questioned whether this was a new road. Mr. Stormont stated the road has been put in but it isn't going to be paved this year unless the estimate is a lot lower than what it is right now (in which case then it may be included). Mr. Distelhorst also asked the Board about the City of Columbus extending new sewer and water lines on Galloway Road and into the town of Galloway, the location of the new homes, if any assistance for the water and sewer hook-ups would be give to the residents in the town of Galloway and the time frame for this project. He also expressed his concerns about the impact this development would have on the township, the fire department and the schools. A discussion followed.

Mr. Dion Peachey, a resident of 136 Darien Avenue, appeared before the Board to read a petition asking the Board to end the construction of sidewalks on the west side of South Grener Avenue. Pedestrians along this street already trespass, litter and vandalize private property along the street and installing sidewalks will lead to higher pedestrian traffic, increase violation of private property owner's rights and the de-valuation of their properties. We recognize the benefits of sidewalks for the commercial property owner's on the east side of the street, but consider the construction of sidewalks behind their residences as a nuisance and a determinant to the safety of their families and properties. He stated they are more concerned about more people behind their homes, especially at night. He has already had the Sheriff arrest someone in his backyard. Mr. Kennedy stated the Board did away with the sidewalks in Phase 1 and Phase 2 drawings are not complete. Ms. Schlosser stated she agreed with Mr. Peachey and that for Phase 1, the sidewalks will be on the east side of Grener and cannot see them putting them in Phase 2. A discussion followed concerning the sidewalks, traffic and the pedestrian bridge. Ms. Schlosser discussed the accessibility of the pedestrian bridge for all children.

#### **Old Business:**

Mr. Walter, 596 South Murray Hill Road re-appeared before the Board to discuss an access from his property onto South Grener. This matter was tabled from the April 8<sup>th</sup> meeting. A discussion followed. The Board of Trustees expressed apologies, but they were unanimous that he will not receive an access onto South Grener Avenue.

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### New Business:

None


### Public Comments:

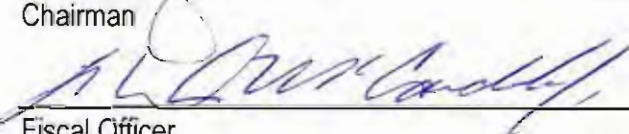
None

**Announcements:** The annual spring clean-up will be held April 25 – May 2, 2009 at the following two locations:

- 123 Inah Avenue
- 451 Hubbard Road.

There being no further business to come before the Board, the meeting was adjourned at 8:45 p.m.

  
\_\_\_\_\_  
Chairman

  
\_\_\_\_\_  
Fiscal Officer