

Violet Township Board of Trustees

October 2, 2013

Regular Meeting

Mr. Myers called the meeting to order at 7:30 p.m.

Mr. Smith called the roll: Mr. Myers, Mr. Weltlich and Mr. Dunlap were present. Others present were: Director of Operations, Bill Yapple; Engineer, Greg Butcher; Fire Chief, John Eisel.

Mr. Myers asked everyone in attendance to join him in the Pledge of Allegiance followed by a moment of silence honoring those who protect us around the world.

Mr. Weltlich moved to approve, without public reading, the minutes of the Regular meeting of September 18, 2013 as submitted by the Fiscal Officer. Seconded by Mr. Dunlap. Roll Call vote: Mr. Weltlich, yes; Mr. Dunlap, yes; Mr. Myers, yes. Motion passes 3-0.

Recognition of Guests:

None

Public Comment:

John Thompson of 13937 Sudbury Drive in Sturbridge Meadows was present. Mr. Thompson is upset about the tar and chip and surface seal and the fact that there was other asphalt put down this year in Chevington, Melrose and Woodsfield and many other subdivisions. He felt if the Township was that low on money they should have let theirs go for another year. Mr. Thompson said he would support a road levy.

Jim Shore of 13655 Sudbury Drive in Sturbridge Meadows was present. Mr. Shore wanted to know if anyone went out and evaluated the roads before they did the work. He did not feel this road was in bad shape and we could have saved our money. He feels the road was turned into a country road again.

Don Murdock of 13185 Sturbridge Drive in Sturbridge Meadows was present. Mr. Murdock said three years ago he called and talked to someone complaining about the pits at the end of the street where all the buses and the big garbage truck are. He was told they would come out. A crew came and were in and out in 10 minutes. They came again and did the same thing. Mr. Murdock said he wished they would have just left it alone.

Mr. Myers asked if there was anyone else from Sturbridge Meadows who would like to speak.

Rich Yarish of 13570 Sudbury Place was present. Mr. Yarish said you would not have done this in Meadowmoore and wondered why they did it to us.

Kim Weaver of 13662 Sturbridge Place was present. When they moved in two weeks ago it was asphalt and now it is tar and chip. Ms. Weaver said if they would have known they would not have bought the home.

Emily Halsey of 13580 Sudbury Place was present. Her 5 year old has already fallen and has a huge rash on his leg. Her main concern is what will happen to her yard in the spring and in the winter.

Valerie Herndon of 13646 Sturbridge Place was present. She said this was not acceptable for subdivisions and that people would not buy houses where there is tar and chip. She said they would not do this to the 'high-end' neighborhoods.

Rod Oberster of 13747 Sudbury Drive was present. He wanted to complain about the chip and seal and says it devalues their properties.

Steve Ledbetter of 13616 Sudbury Drive was present. He explained a jogger wiped out on the road. He feels the loose rock is a safety hazard.

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Dave Sennett of 13138 Old Way Road in New England Acres was present. He felt this was a bad idea and a mistake and wanted to know if we were going to fix the mistake.

Stephanie Jenkins of 13575 Sudbury Drive was present. The very first day they started the paving she was blocked in. She was told it was going to be a five day process and they have already had an incident with their dog who sliced its paw and that was a \$76.00 bill at the vet.

John Thompson spoke again stating he saw an accident at SR204 and Ault Road and he feels it is a safety hazard and there was a lot of loose gravel. Mr. Myers said that he did not see any loose gravel when he traveled through their neighborhood.

Valerie Hendren spoke again and asked what can be done. She said there was a ton of loose gravel. She asked what they can do so that the Trustees can get this fixed.

Mr. Weltlich explained that we have roughly \$2 million dollars that is our total budget and the State of Ohio (the governor and the legislators) have taken away just around 1 million dollars. Mr. Thompson interrupted again and said we should have done something. Mr. Weltlich asked him to let him speak. So, we are hard pressed and there will be a whole new process to reduce costs. Mr. Thompson again interrupted and said it should have been done. Mr. Weltlich said what the residents can do is form a committee and "champion" a Road and Bridge Levy. Mr. Weltlich said this was an attempt to see if we could stretch the dollar and still meet the needs.

Mr. Butcher addressed Ms. Hendren and told her we have chip sealed other subdivisions. They evaluated these roads annually and it is an evaluation based on traffic volume, have we previously patched it, and there are a whole list of issues in this. There is no selective bias in this.

John Thompson again said the process has to be changed. He is not against a small levy but if this process continues the meetings will be full. Mr. Weltlich said you can support a levy but the Township cannot place a tax. Mr. Weltlich added that under the Ohio Revised Code it was designed so that if it doesn't specifically say you can then you cannot and that is the way the law is. We do not have the ability to add to the gas fees, the license fees or the registration fees. The only ability we have is to pass a road levy. We did a survey two or three years ago and we were told no; we don't need a road levy. The only way the loss in revenue can be mitigated is to not put down asphalt.

Joe Rosen of 13975 Sunladen Drive was present. Mr. Rosen said he had not seen the roads but was offering a solution and asked if the tar and chip could be scraped off and the asphalt be reapplied at a later time.

Jim Shore of 13561 Sudbury Drive was present. Mr. Shore said they did not even complete the job as they left a hammerhead at the end of the street where he lives. Mr. Butcher said it could be milled off and it will look like a milled surface.

Rod Oberster spoke again. Mr. Oberster asked what the cost was as well as the expectancy. Mr. Butcher said \$36,000 for 2.2 miles of chip seal versus \$190,000 for asphalt for New England Acres. For Sturbridge Meadows .45 miles would be a little under \$10,000 actual for chip seal and about \$48,000 to pave it. If you add New England Acres and Sturbridge Meadows together it's about \$238,000 and our budget is \$500,000.

Mr. Weltlich wanted to make the clarification that the Township could not promote a tax.

John Thompson said he would support assessment of his taxes.

Keith Weaver of 13662 Sturbridge was present. Mr. Weaver said this was unacceptable.

Mr. Weltlich suggested they appoint a representative so as to work out a solution. Mr. Weltlich added it would not be easy and it would not be cheap.

Mr. Dunlap said the Trustees we can take a look at this and we would work with the residents on this.

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Nicki Shear of 9514 Knarwood Court in Haaf Farms was present. Ms. Shear shared that their neighborhood is being opened up into Licking County. Etna Township is going to make it a thoroughfare through there. Residents from Haaf Farms attended the meeting at Etna Township and she said they do not have a lot of concern for the residents of Violet Township. She spoke to her attorney who told her she should first go to the township and then Fairfield County. Ms. Shear said she went to the Fairfield County Commissioners and they were no help. She praised Mr. Myers for listening to her story. Ms. Shear said their neighborhood is now going to be connected to mobile and modular homes and they will be a cut-through to Walmart. She is already concerned as we have a speeding issue on Haaf Farms Drive

Susan McKinley of 9718 Waggonwood Drive in Haaf Farms was present. Ms. McKinley was mainly concerned with the traffic. There would be at least 80 more cars plus cut-through traffic. When the houses are built, they will use Haaf Farms Drive. There will be pressure onto drivers (to make a left hand turn) that will make it more dangerous especially for young drivers. They need us to advocate for them. She said they needed to contact ODOT, need to have a traffic study done.

Jessica Dawes of 13975 Sunladen Drive was present. Ms. Dawes asked if we are the ones that approved the roads. Mr. Dunlap explained that Regional Planning controls the process. Mr. Yapple shared that Haaf Farms was platted in 1989 and in 1990 that sub division was approved.

Mr. Weltlich added that they could write a letter to Etna and Licking County complaining that this is a bad situation and we can do a traffic study. Ms. Dawes said this would depreciate their homes and decrease the township taxes.

Bill Loveland, Township Attorney explained that townships have very little bottom line power. Safety forces and fire want two entrances to sub divisions. The Township cannot block a road. The Township can communicate to ODOT and the County Engineer. This is the extent of what they can do. Licking County has a different Regional Planning. Mr. Loveland also added that the Etna Township Board of Trustees has very limited ability to determine road location. Mr. Loveland said the people they need to 'lobby' and talk with are Regional Planning and the County Engineers for the two counties.

Mr. Weltlich said if the other two Trustees concur they will send a letter to our Regional Planning, to Etna and Licking County Regional Planning, and the Fairfield County and Licking County Engineers.

Mr. Yapple stated he understood there are some problems with the construction traffic. The developer was told that if he uses any of Fairfield County Streets for construction work or building of a subdivision they will have to bond every street. There have been some changes in the street connections and it has been agreed at this point in time that they shall bring all construction traffic off of Palmer Road. Mr. Dunlap added that we are asking the County Prosecutor to work on looking at posting no trucks thoroughfare in Haaf Farms.

Joe Rosen praised the Trustees, Mr. Yapple and Mr. Smith for listening and for writing the letters. He also said that Jessica Dawes can help with any information. Connectivity is their biggest concern. Etna requests two ways in and out. We want them to come up with another solution. Crime will go up if they connect to Georgian Drive where values are considerably less.

Terry Zeke of 93967 Haaf Farms Drive wanted to know if they as a homeowners association could put in speed bumps?

Mr. Weltlich reiterated the fact that you cannot underestimate the power of the petition.

Mr. Dunlap mentioned that Susan McKinley made a very good comment and he asked Mr. Butcher to look at Haaf Farms entrance and she talked about someone sitting there (not in the left lane) and blocking people from turning right to see if we have the proper width on that and maybe mark with a right turn or left turn only to make sure it is safe.

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Mr. Dunlap asked Mr. Butcher to talk to Joe Rutherford at District 5 to look at the whole schematic there with the traffic light and see whether or not a light could be justified for Haaf Farms with a split light with Harmon Road.

Darryl Price of 13995 Sunladen Drive was present. The only 'unknown' he has is with the developer. They have a timetable. Are these actions moot? Mr. Loveland explained if this just got out of technical review then they are early in their zoning process and that the residents should be at the front of the 60 days and they should be writing a letter right now.

Anita Groene of 13822 Sunladen Drive was present. Ms. Groene said she would like a copy of the letter that gets sent out.

Anthony House of 13096 Sunladen Drive in Haaf Farms was present. Mr. House said when he came into this meeting he was against the Trustees but now he is for them. He thanked the Trustees and he said he just wants to keep a safe community for the kids.

Mr. Myers read an email from a resident, Mr. Michael Major as he had told Mr. Myers he did not receive a warm reception from Regional Planning. The email said he received a pleasant and informative phonecall from Holly Mattei of Regional Planning and he is now aware of the limits and controls of Violet Township in this matter.

Susanne Galosky lives on Sunladen and her lot is at the boundary of Licking County and she said her lot is being affected by a variance and wanted to know if her lot runs to the county line. Mr. Yaple believes her lot line lies on the county line.

Mr. Loveland said she has to appeal to the County of Court of Common Pleas with a 2506 action and it is Chapter 2506 of the ORC and added an attorney would be useful. Mr. Smith clarified that if they passed the variance last Monday then she has 13 days from today to file an appeal.

John Fletcher of 13982 Sunladen Court was present. He wanted to know if there were any traffic calming measures that would hopefully deter. Mr. Weltlich said there are traffic calming things that can be done but he needs to get the majority of the residents to support whatever it is. Mr. Dunlap added that they already have the lowest speed limit that is allowed in a residential area which is 25 mph.

County Authorities:

None

Departmental Reports

Fire Department

Chief Eisel reported the Taste of Pickerington is this coming Saturday on old Columbus Street and they will be having a pizza eating contest with the police department that will be held in downtown Pickerington on Saturday.

Special Events with the Polaris have been working out well. They have used it at all the events such as football games and cross country events.

Open House is scheduled for October 13, 2013 from 1-3 pm at Station 592. The Trustees passed a proclamation in regards to this. Mr. Myers read a portion of the proclamation out loud.

Chief Eisel reported Operation Street Smart – Drug Education is being presented by the Franklin County Sheriff's Department on Saturday, November 2nd from 9:00 am to 1:00 pm at Pickerington Central High School. They will continue to schedule these on a fairly routine basis.

Chief Eisel reported that in order to enhance our services provided as required by the Ohio Building Code, Violet Township is required to have a Chief Building Official. As a result of negotiations, and legal review of the proposed contracts, we are recommending that the services for the Chief Building Official be provided by Ohio Building Code

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Consultants, LLC. **Mr. Weltlich made a motion to adopt Resolution 2013-1002-03 – Contract for Building Department Services. Seconded by Mr. Myers. Discussion: Mr. Dunlap asked if they would be primary and our current company would be secondary. Chief Eisel said we will continue to honor the agreement we have in force in a backup reserve capacity. Roll call vote: Mr. Weltlich, yes; Mr. Myers. Roll call vote: Mr. Weltlich, yes; Mr. Myers, yes; Mr. Dunlap, yes. Resolution 2013-1002-03 passes 3-0.**

Mr. Weltlich asked what the status of the cots was. Chief Eisel reported they are in the application process completing the narratives for the BWC. He hopes to have them in the next 30 days.

Township Engineer:

Mr. Butcher reported he will be meeting with Kerry Hogan tomorrow to talk about the Storm Water Utility. Mr. Butcher is setting up meetings with County agencies.

Mr. Butcher will be speaking next week at the Ohio Transportation Engineering conference on the Ohio research initiative Paving is complete and Mr. Butcher said that chip sealing (to the condition that the roads are in) has technical benefit. Mr. Butcher said that to remove this would put us in the position of starting over. Mr. Butcher feels we need to have dialog about why we did what we did with the paving. Mr. Dunlap asked if Mr. Butcher could look at alternatives for topping and get back to the Trustees. Mr. Weltlich recommended Mr. Butcher write a formal letter inviting the residents in joining us in formulating a road levy. The two issues are mitigating what they are asking now and then long term. Mr. Butcher feels we need to look into whether we want to continue to hold the department heads accountable to live within their budget or will we look outside this (the General Fund) or alternate sources of revenue.

Mr. Butcher spoke relative to Haaf Farms (not as an advocate for either position) but he thinks that it is a 'slippery slope' when we make a decision to restrict access. We need to be aware of the position we take as we move forward to not set a precedent.

Mr. Weltlich asked if Mr. Butcher had gotten a hold of the consultant for the levy. Mr. Butcher said he had not.

Mr. Weltlich asked about Milnor Road Pedestrian Crossing. Mr. Butcher has asked the County Engineer for a response and has not gotten one and he has asked the Safety Engineer at District 5 if there is anything they see that prohibits at that crosswalk. His response to Mr. Butcher was very concise in saying there is nothing that is documented that speed limit governs crosswalks and our goals are to make crosswalks as safe as possible and if that is what a crossing is then we are appropriate to install a crosswalk at that location. Mr. Butcher said he would advocate this.

Director of Operations:

Mr. Yapple reported we have all the paperwork for Amanda Northern Road from the property owners. We will get a resolution done for the next meeting for demolition of the property.

Blacklick Eastern Road is done, cleaned and seeded.

The City of Canal Winchester is planning a tire sweep in Walnut Creek on October 19th.

Regional Planning started the planning and the beginning of a stormwater committee as part of Regional Planning to be a public forum for MS4 communities. This will help us meet some of the Ohio EPA goals and requirements as far as public information.

In the packet was a letter from the consultant and the Ohio Historical Society that they approved us to move forward as planned on the work in Busey Park. We will look at extending that project into next year because of the timeframe if we can get the grant extended.

There was a 'thank you' letter from the City of Pataskala in the support to work on Mink Street.

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Mr. Yapple reminded everyone of the Drug and Electronics Collection and Document Shredding on October 26th.

Mr. Yapple has had conversation with the Prosecutor regarding ATV's at Busey Road Park and the ATV's. Per the Ohio Revised Code, as a property owner and a government agency together we can post that NO ATV'S prohibited under 4519.40. Then the Sheriff can write a ticket which will be processed through the City of Canal Winchester and Mr. Yapple needs to work more with Mr. Hollins to understand the process. The Trustees would need to authorize the signs to be prepared and for us to post them on township property in the park that ATV's are prohibited and we could cite the ORC number and we can say 'fines are a minimum of \$50 and a maximum of \$500' according to what the Ohio Revised Code says. Mr. Dunlap said he would have to look at that code but he asked if by saying ATV's are we also saying dirt bikes and motorcycles or is it strictly ATV's? This will have to be looked at. Mr. Weltlich added that the intent is to look at all of these vehicles.

Mr. Yapple had a petition that was brought to him by a person in Lockville to vacate a couple of alleys and a street not being used. It provides access to a rather large area that is 66 feet wide. He was told he was to have the Township Trustees sign this; Mr. Yapple told him in his time here we have never signed one of these petitions in favor of. Mr. Yapple also told him the two property owners that adjoin these streets are not on the petition to sign and they may be opposed to this. Mr. Yapple explained to him this would be detrimental to him.

Mr. Yapple intends to bring a resolution forward at the next Trustee meeting for the MORPC bi-laws.

Mr. Weltlich asked if Mr. Yapple and Mr. Butcher had gone out and done some testing of cores at the Senior Center on the pavement. Mr. Yapple said they had not and they needed to get that scheduled.

Mr. Yapple had two prices for the roofing at the Pickerington Senior Center. The shingle pricing was \$42,000.00 and the metal is between \$110,000.00 and \$130,000.00. The metal is a 50 year roof and the shingle is a 30 year roof. Mr. Yapple said in conversation with the Board Chair the Senior Center probably would not want to consider the metal.

Fiscal Officer:

Mr. Smith reported Key Bank is ready to roll out our new credit cards. He will be meeting with them next week. He hopes to be changed over by the next Trustee meeting.

Mr. Smith had a procedural matter to take care of. Currently we do not have a Vice Chair. **Mr. Dunlap made a motion to appoint Mr. Weltlich as Vice-Chairman. Seconded by Mr. Myers. Roll call vote: Mr. Dunlap, yes; Mr. Myers, yes; Mr. Weltlich, abstained. Motion A2013-1002 passes 2-0.**

Mr. Smith reported we continue to monitor our budgets and along with our department heads we have a few small supplemental appropriations on behalf of the road and fire departments. This will be the first resolution.

The second resolution is done every year to accept the rates we did with the County at our Budget Commission Hearing. The rates have not changed.

Mr. Weltlich made a motion to adopt Resolution 2013-1002-01 – Supplemental Appropriations. Seconded by Mr. Myers. Roll call vote: Mr. Weltlich, yes; Mr. Myers, yes; Mr. Dunlap, yes. Resolution 2013-1002-01 passes 3-0.

Mr. Weltlich made a motion to adopt Resolution 2013-1002-02 – Resolution Accepting the Amounts & Rates as Determined by the Fairfield County Budget Commission & Authorizing the Necessary Tax Levies & Certifying them to the County Auditor.

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Mr. Weltlich asked how Mr. Smith and Huntington Bank were getting along. Mr. Smith said they were not and if this was not resolved by the next meeting then we will let them know and make a change for 2014.

Mr. Weltlich asked when the final budget for next year has to go to the county. Mr. Smith said it just has to be approved by us by the end of the year.

Old Business

None

Tabled Business

Mr. Weltlich made a motion to bring Resolution 2013-0918-01 – O P & F Pension Pick-up off the table. Seconded by Mr. Myers. Roll call vote: Mr. Weltlich, yes; Mr. Myers, yes; Mr. Dunlap, yes. Resolution 2013-0918-01 is off the table.

Mr. Smith explained that O P & F has told us this is something we must do. They will not accept our pension submittals until this is done. Mr. Smith explained to them this seemed fairly redundant since the legislature passed that we must do this. The state of Ohio has said you must do this and now O P & F is requesting a resolution as well. Mr. Smith asked O P & F for a template which they sent us. It was erroneous because it had a process that does not apply to us. Mr. Smith took the language from our contract and put it in. The resolution is the re-written version. **Mr. Weltlich made a motion to adopt Resolution 2013-0918-01 – O P & F Pension Pick-up. Seconded by Mr. Myers. Discussion: Mr. Weltlich asked if Chief Eisel was comfortable with this. He said he was as he had spoken to Mr. Smith. Mr. Dunlap wanted to make sure there were no issues and it covers everything we are supposed to have with our contract. Chief Eisel said that what it does is it re-identifies the current rates as mandated by the state legislature. Roll call vote: Mr. Weltlich, yes; Mr. Myers, yes; Mr. Dunlap, yes. Resolution 2013-0918-1 passes 3-0.**

Trustee Reports:

Mr. Myers reported he attended a County Trustee meeting last Saturday and they were fortunate enough to have Ron Hood who is the State Representative for the southern half of Fairfield County. Mr. Myers asked what they were doing to help replenish the money we have lost. He said they were working on raising the prevailing wage and other things. Mr. Hood never did get to the 'other things.' He did say they were working on some new annexation laws.

Trustees out of Office Meetings Where More than one (1) Trustee present

October 13th from 1:00 pm to 3:00 pm is the annual Fire Department Open House at Station 592.

October 17th is the Chamber Luncheon

New Business

The next regularly scheduled meeting of the Violet Township Board of Trustees will be held Wednesday, October 16, 2013, at 7:30 p.m. at the Violet Township Administrative offices.

Pay Bills

Mr. Dunlap made a motion to pay the bills. Seconded by Mr. Weltlich. Roll call vote: Mr. Dunlap, yes; Mr. Weltlich, yes; Mr. Myers, yes. Discussion: Mr. Myers said he did not see the listing for our fuel supplier on the bills. Mr. Smith said we paid him between \$5,000 and \$6,000 at our last meeting. We have received two invoices within the last 10 days. Mr. Myers asked why we did not pay him tonight. Mr. Smith said we did not process him for this meeting. Mr. Myers wanted to know why we did not process a check at this meeting. Mr. Smith said if the Trustees want this particular vendor processed at every meeting this can happen. All three Trustees were in agreement that this is exactly what they want. Roll call vote: Mr. Dunlap, yes; Mr. Weltlich, yes; Mr. Myers, yes. Motion passes 3-0.

Mr. Weltlich made a motion to go into Executive Session (after a 10 minute break) per the Ohio Revised Code Section 121.22(G) (3) – Conferences with an attorney for the public body concerning disputes involving the public body that are the

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subject to pending or imminent court action and to discuss personnel issues per the ORC Section 121.22(G) (4) include Chief Eisel, Mr. Yapple, Mr. Smith the (3) Trustees, Mr. Gene Hollins, Jennifer Croghan. Seconded by Mr. Dunlap. Roll call vote: Mr. Weltlich, yes; Mr. Myers, yes; Mr. Dunlap, yes. Motion passes. 3-0. The board recessed at 10:09 and went into Executive Session at 10:19 p.m.

Mr. Yapple and Mr. Smith left at 10:39 p.m.

Mr. Dunlap made a motion to come out of Executive Session at 11:35 p.m. Seconded by Mr. Weltlich at 11:35 p.m. Roll call vote: Mr. Dunlap, yes; Mr. Weltlich, yes; Mr. Myers, yes. Motion passes. 3-0.

Adjournment

Mr. Dunlap made a motion to adjourn the regular meeting at 11:35 p.m. Mr. Weltlich seconded the motion. Roll call vote: Mr. Dunlap, yes; Mr. Weltlich, yes; Mr. Myers, yes. Motion passes 3-0. Meeting adjourned at 11:35 pm.

Respectfully Submitted,

Christopher H. Smith, Fiscal Officer

Joniann Goldberg, Administrative
Assistant

Approved by:

Terry J. Dunlap, Sr., Trustee

Harry W. Myers, Jr., Trustee

Gary P. Weltlich, Trustee

Date: _____