

Violet Township Board of Trustees

February 4, 2015

Regular Meeting

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

Mr. Sauer called the roll: Mr. Weltlich, Mr. Dunlap and Mr. Myers were present. Others present were: Township Engineer, Greg Butcher; Director of Operations, John Eisel; Fire Chief, Mike Little; Assistant Fire Chief, Jim Paxton; Fiscal Officer, Brian Sauer; and Township Legal Counsel, Wanda Carter.

On behalf of the Violet Township Board of Trustees Mr. Weltlich recognized students from Fairfield Elementary School Jack and Johnny Burton who lead the Trustees in the Pledge of Allegiance and followed by a moment of silence honoring those who protect us around the world. The students were presented with 'Certificates of Recognition.'

Mr. Dunlap moved to approve, without public reading as submitted by the Fiscal Officer, the minutes of the Regular Trustee meeting of January 21, 2015. Seconded by Mr. Myers. Roll call vote: Mr. Dunlap, yes; Mr. Myers, yes; Mr. Weltlich, yes. Motion carries 3-0.

Recognition of Guests:

None Scheduled

Wanda Carter, Legal Counsel presented a summary of the proposed annexation. Ms. Carter gave some background information and described what the agreement is about.

Ms. Carter explained about a year ago the City of Pickerington petitioned to annex 195 acres into the City of Pickerington and it was filed with the Board of County Commissioners. Most of the territory was owned by the school board although they had not signed the petition. Under the annexation laws a political sub division, if they own property, it can be included in an annexation even without their signatures.

The Trustees opposed the annexation. We worked closely with the school board who opposed the annexation.

Working together the township was concerned about the size (195 acres) and also by annexing the school property that gave the City the ability to annex other property or a gateway to future annexations.

We were prepared to point out to the Board of County Commissioners that there was no benefit to this annexation. The territory already had access to water and sewer, police services, fire and EMS so no need to annex. There was detriment. A substantial portion of Refugee Road and Pickerington Road would be half City and half County. The proposed agreement addresses this issue.

The impact on the schools was a significant concern. They would be paying income tax but would be getting no benefit.

There was additional cost to the schools. The City had certain fees that do not have to be paid in the Township.

The school was concerned about safety for the children and whether or not the city would be taking over those roadways.

They were also concerned about what kind of development would be in that area.

The Township tried to address many of the concerns. The Township worked very hard to prepare to go before the County Commissioners in June, 2014. With the full 195 acres on the line the Trustees decided to try to resolve the matter between the City and the Township and made a proposal shortly before the hearing was going to take place and they made a specific proposal to the City of some terms that the Township would accept if it we could reach an agreement in which only the Smith Saunders were annexed. The Smith and Saunders wanted their property to be annexed and the Township would get certain concessions. This proposal was made to the City. At that

time the City neither accepted nor rejected the proposal. A few days later the City withdrew the petition and it was taken back from the Board of County Commissioners.

The Township decided to be proactive to encourage the annexation not be re-filed. With regard to the Smith and Sanders property it was clear that these properties would very likely go through to be annexed. The Trustees decided to be proactive and enter into some negotiations. This was an opportunity for the City and Township to work together on some kind of an agreement; things that would be good to the whole community. With that in mind we entered into an opportunity to do some negotiations and Rick Ricketts facilitated the process. The Trustees asked Mr. Butcher, Mr. Eisel and Ms. Carter to come to the negotiating table and act on behalf of the Board of Trustees along with Bill Vance and Mayor Gray for the City. The proposed agreement is a 25 year agreement.

Ms. Carter stated there would not have been an agreement if the Township had not opposed the Smith/Sanders property and then the question was 'if' and we would not oppose it if there were other terms favorable for the Township.

Ms. Carter went over the specific terms of the agreement. The City would not take the territory out of the Township so it will remain (if it is annexed) an overlapping jurisdiction in both the City and the Township. The Township will continue to collect the same amount of inside millage it's now collecting from that property.

With regard to the concern about the school district being annexed against its will, and opening up that large area of contiguity for the City there would be much possibility of annexation by the City and new areas; the agreement includes these terms: the City agrees that it won't annex the school district property against its will for a period of 19 years. From the Township's perspective this 19 year moratorium on annexation of that property without the school board was important to the Trustees because it was looking out for its residents, the interest of the school board, the school district and the income tax issue.

Another concern the Township had was whether the Township should negotiate in an environment in which the City would keep on annexing while we were negotiating. This was taken care of by an agreement that there would be no annexations for 18 months that will begin to run at the time that the agreement goes through and if the City accepts the annexation which would be around April. Then an additional 18 months from then, there will be no annexations by the City of Township property.

The road maintenance concerns were the concerns of the school, the Township and the County Engineer. This agreement addresses those concerns. With the annexation of the Smith and Sanders property it will only go to the edge of the road and will not go into the middle line, so except for a little strip that goes across the road the City will not be annexing any roadways and with the County, it has been agreed that the Township will take care of the roads in that area in terms of general maintenance and snow and ice removal. The County agreed to provide limited curb cuts to the Smith and Sanders properties that were consistent with an agreement they had between them and the City and the County Engineer stated they would be based upon traffic impact studies.

A significant concern was the zoning and how that property would be developed. The City had promised in a contract with the Smith's and Sander's that eight acres of their territory would be C-2 zoning and the other 30 + acres would be C-3 zoning. There is some property owned by the Ricketts family and the Ricketts are going to be signers onto the agreement for some of those issues and they have the opportunity to go ahead and have the C-2 zoning for the little strip or they can opt to have Township zoning.

Another important issue for a lot of residents, for the school and for the Township is if the residents would have any impact. If the Smith/Sanders territory would go into the City then the City would make all the decisions on zoning.

One important aspect of the agreement is typically when the property is annexed it goes into the City and therefore it becomes subject to City zoning, therefore Township people are really 'out of the loop' in terms of what is going on as far as the development. One thing we were insistent on as far as the agreement was an opportunity for some input into the process. There is a term in the agreement that the City will provide written notification of prospective development including detailed site plans, development phasing schedules, future land use, building details, status of variances and so forth and will provide these to the Township, the school district and to property owners in the area within 10 business days of any kind of a meeting in which they would be dealing with

these matters. Also, that those people would have an opportunity to voice their ideas, concerns, oppositions, support or facts and opinions regarding development plans.

There is a term in the agreement that the City agrees for a twenty five (25) year period to have no exemptions of taxes and abatements such as TIFFS or other tax abatements.

Ms. Carter ended by stating she felt this was a good agreement and it would be before the Board of Trustees this evening.

Public Comment:

Julie Wyatt of 6531 Riverton Circle, Pickerington, Ohio was present. Ms. Wyatt asked what C-2 and C-3 Zoning were. Mr. Butcher explained there is City zoning and there is Township zoning and went into detail with regard to the 21 zoning designations..

Ms. Watt wanted to know if we were going to be in the same boat with 'big box' stores as we were six years ago with Walmart. Mr. Dunlap said a 'big box' would have to go under C-2 and that is only 8 acres.

Lisa Reade of 10416 Wright Road, Pickerington, Ohio was present. Ms. Reade thanked the Trustees for letting her address them. Ms. Reade's speech has been inserted into the record below:

"You have time & opportunity – Let's make the sure the spirit of the agreement is reflected in the letter of the agreement that you are going to vote on tonight.

The spirit of cooperation is terrific to foster between governmental entities. I believe our taxpayers would like nothing better than to understand the governmental workings in a transparent, inclusive process. This process should include the City, Township, School District & County. I think as we move forward it's important to remember that elected bodies report to taxpayers & should never try to remove the citizens from the process that impact the communities in which they live.

It's also important to make sure the letter of this agreement, that you are voting on tonight, matches the spirit of the agreement. One thing that's been said is: There will not be apartments built on this land. Mr. Ricketts stated specifically, "He'd be very disappointed if apartments were built." Why not change the C2 zoning being granted to eliminate the option of apartment's altogether? That's one example of how the spirit of the agreement does not currently match the letter of the agreement. I am sure there are other points as well.

I don't believe at this time there is a buyer for this parcel. Is it so urgent that automatic zoning needs to occur now? With no public input?

Economic development within our boundaries is highly desired to provide relief to folks who live in this bedroom community. It needs to be well planned – how does that occur when automatic zoning is granted with no public development plan? And no infrastructure plan that's been shared with the public?

I am still concerned about safety of student driver's at this intersection as development occurs – what's being done to maintain safety? What will occur when development happens to make sure we are able to deliver 10,000 students to 14 schools on time? The schools are what bring value to the community they should be considered & included as decisions are made that affect them & the families that live within our school district.

You have time & opportunity – Let's make the sure the letter matches the spirit of the agreement."

Richard Ricketts of 50 Hill Road South (business address) 1180312 Cameron Court, Pickerington, Ohio is the home address. Mr. Ricketts spoke in support of the annexation and stated there were some procedural issues with regard to the 'big picture' that he acknowledged needs improvement. Mr. Ricketts wanted to 'take a step back' and explain a bit more of history within the last 30 to 40 years we have seen the City and the Township make decisions, take actions, that had we been cooperating with each other we probably wouldn't have done. The question was asked about a year ago 'wouldn't this community be better if we sat down and worked together? Mr. Ricketts was happy to say the Township and City both agreed. The effort is not just this annexation agreement and it is much broader and much more important, it is how we can work together."

Mr. Ricketts commended the City because when they pulled the annexation request, it was based on a very specific thing. It was 'we are at a crossroad and if we move forward we are torpedoing the efforts to get along with the Township.' Mr. Ricketts said this is not the right thing to do and again commended the City for saying this was not the time for the City to do a 'contested' annexation. Mr. Ricketts felt that 'spirit of cooperation' was there. As we have moved forward the concept has not just been an agreement but how do we use this as an effort to move forward in our community in a collaborate sense. The representatives of everybody have been talking about community and how can we make it a better community.

Improving our communication with the County is a part of the entire concept of our collaboration so those people need to be involved.

We are trying to do the same thing as a group with the schools.

Mr. Ricketts explained that his family does own a lot of land but they are trying to do the right thing for the community.

Mr. Ricketts doesn't feel there has been enough expression of how the City is reaching out to the Township. Mr. Ricketts encouraged everyone to collaborate and provide input as to how we can improve the process.

Michelle Shutterhouse of 8773 Spring Flutter Road, Pickerington, Ohio was present. Ms. Shutterhouse was happy to hear the two entities are working together but her concern was the 204/256/70 interchange and getting to work in the morning. She hopes this is being considered as the City and Township work together.

Ben Canini of 8594 Woodlands Court, Pickerington, Ohio was present. Mr. Canini is not for any kind of annexation.

Don Rector of 10200 Oxford Drive, Pickerington, Ohio, 43147 was present. Mr. Rector explained he previously served on the Land Use Plan back in 2004 and they did look at the interchange at Pickerington Road and Refugee Road and they did say this was an area that would eventually be business. Mr. Rector stated he was a bit skeptical based on the past but felt this annexation agreement should be signed and it is the best scenario for now.

County Authorities:

There were no county authorities present. Mr. Weltlich acknowledged that Mr. Fix was present.

Departmental Reports:

Fire Chief: Mike Little

Chief Little reported both Assistant Chief Paxton and he attended the OTA conference last week. It was the first time they both attended this conference.

Chief Little met with Scott Warrick to discuss upcoming ethics training for the department.

Chief Little met with Sara Rose regarding the unemployment questions, by law, we have a responsibility for some portion of reimbursement. To date, we have not received any indication from the State that we owe any money. The deadline to appeal has passed. We will wait to see what, if anything will be charged to the department.

Nothing new to report on the MECC COG. Chief Little is waiting on documents to share.

There is a meeting with Ohio Health on February 17 regarding the new Pickerington facility.

Chief Little will be out of town February 12-14.

Chief Little had one resolution for consideration. Brandon Metzger submitted his resignation effective February 6, 2015. Mr. Myers made a motion to adopt Resolution 2015-0204-01 – Resignation of Firefighter. Seconded, with regrets by Mr. Dunlap. Roll call vote: Mr. Myers, yes; Mr. Dunlap, yes; Mr. Weltlich, yes, with regret. Motion carries 3-0.

Mr. Dunlap asked about Engine 593. Chief Little said truck arrived last week. It is a very nice truck and they are very happy with it. They hope to have in service within the next three to four weeks. We are hoping to have the Rescue back in service by middle of next week.

We have a tentative pre-build date on the new engine rescue for September with a tentative delivery date of March of next year.

Mr. Myers asked if anything had been scheduled with KZF in the near future. Chief Little said once he gets the property identity finalized they will be scheduling a meeting.

Mr. Weltlich asked for an update on the rock incident. Assistant Chief Paxton met with Lakes Edge management last week and they are in the process of remodeling all the landscaping. They hope to meet again sometime in March.

Township Engineer: Greg Butcher

Mr. Butcher had a resolution for consideration to accept the inter-governmental agreement between Violet Township and Etna Township for improvements to Taylor Road as part of a project they are sponsoring.

The EPA audit of our Storm Water Management Program (SWMP) is scheduled for next Tuesday, February 10. This audit is being conducted to determine compliance with the Ohio EPA General Storm Water NPDES Permit for Small Municipal Separate Storm Sewer Systems (Small MS4s). In order to prepare for the audit, a meeting was held last week with personnel from Fairfield County Soil and Water, County Engineers Office, and County Utilities.

Surveying of the parking and surrounding areas at the Senior Center have been completed. Some conceptual plans have been developed and Mr. Butcher and Mr. Eisel will be meeting with ADR & Associates and eventually with personnel from the City of Pickerington to discuss the 'preliminary plans.'

We were informed by District 17 of the Ohio Public Works Commission that Violet Township was selected for funding of the Stonecreek Drive Improvements. Project cost estimated at \$1M. We will receive \$755,000 of OPWC assistance, \$555,000 in a grant and \$200,000 in an interest free loan. Remainder is \$30,000 in in-kind services (Butcher) and \$21,000 in local match.

Former long-time and respected full time employee, Bruce Miller has indicated a willingness to return in a part-time capacity. Bruce's institutional knowledge, skill set and willingness to assist in training new and existing employees has value. Mr. Butcher had a resolution for consideration.

There has been previous discussion regarding the removal of dead and damaged trees within the Busey Road Park. This work is aimed to enhance the wooded section of the park as well as to remove potential safety concerns with the dead or damaged trees. It makes sense to perform this work during the winter. Mr. Butcher had a proposal from Donley Tree Services and related resolution for consideration.

Mr. Butcher reported we have ordered 300 tons of salt this season on the ODOT winter contract. The minimum contractual quantity is 630 tons. The maximum contractual quantity is 770 tons. To date, we have used approximately 500 tons this season.

Mr. Butcher has been asked to attend a conference organized by the Transportation Research Board. The event is the 11th International Conference on Low-Volume Roads and will be held in Pittsburgh in July. Registration fees and all expenses including travel will be reimbursed by the TRB. Soon, Mr. Butcher will be formally asking permission to attend this event.

Mr. Butcher participated in a snow removal roundtable at the Ohio Township Association Conference. It was well attended with good interaction. Mr. Butcher put together a PowerPoint presentation that was copied onto a cd handed out at the conference. The OTA was appreciative of our willingness to participate.

Mr. Dunlap commended Mr. Butcher on doing an outstanding job at the roundtable discussion and was very impressed.

Mr. Weltlich asked if Chad Lucht would be with him for the audit. Mr. Butcher said he would.

Mr. Weltlich asked how many applications we had made for the Stonecreek Drive Project. Mr. Butcher said only two.

Mr. Dunlap asked if any consideration was given by District 17 because of the Pickerington re-doing 256 and our project ties in with that. Mr. Butcher that may have very well played into this.

Mr. Weltlich also commended Mr. Butcher on the OTA Conference presentation.

Mr. Dunlap made a motion to adopt Resolution 2015-0204-02 – Accept Etna-Violet Taylor Road Cooperative Agreement. Seconded by Mr. Weltlich. Roll call vote: Mr. Dunlap, yes; Mr. Weltlich, yes; Mr. Myers, yes. Motion carries 3-0.

Mr. Myers made a motion to adopt Resolution 2015-0204-03 Authorize Donley Proposal for Busey Road Park. Seconded by Mr. Weltlich. Discussion: Mr. Dunlap thought the Trustees should consider tabling this resolution and putting it out for others to give the same proposal. This came as a result when we had a few different logging companies looking at taking the trees out last year and then a separate proposal with some additional things was given by Donley. He felt we should have at least two or three quotes. Mr. Myers said we have had this proposal since March 21, 2014. At the time when we decided to do away with the Forrester we had this proposal and in another 6 weeks that will be a year. Mr. Donley would like to get in there when it is frozen and get it done. We have had 11 months to get another price and have not done that. The price is \$9900.00 minus what we get out of the logs. There is a safety issue and Mr. Donley will not go in there unless the ground is frozen. Mr. Myers said they would take care of decayed, dead, dying, damaged and Ash trees. Mr. Myers added that in the quote they were guessing there could be a truckload of logs with a value of \$800 to \$1200 after trucking. All proceeds from the logs (when the logs are sold) a check will be written to Violet Township. Mr. Donley will be bringing horses in to pull his logs out. He will give us 24 to 48 hours notice as to when the horses are coming in. Mr. Dunlap had forgotten about the horses. **Roll call vote: Mr. Myers, yes; Mr. Weltlich, yes; Mr. Dunlap, no. Motion carries 2-1.**

Mr. Myers made a motion to adopt Resolution 2014-0204-05 – Hiring of Part Time Road Worker. Seconded by Mr. Dunlap. Roll call vote: Mr. Myers, yes; Mr. Dunlap, yes; Mr. Weltlich, yes; Motion carries 3-0.

Director of Operations: John Eisel

Mr. Eisel reported Kelly Sarko continues to work with the Zoning Commission and legal counsel to review and possibly amend the zoning code in regards to the Violet Festival.

We are awaiting the final scope of work for the Document Management Program that was approved.

The new copy machine that will work in coordination with this program is being delivered February 11th and will be less expensive going forward than our current copy machine is.

We received notice that the Bureau of Workers Compensation has included us in their annual random premium audit for year 2014. We have reached out to Andy Frank from Frank Gates who is our representative for the OTA pool that we belong to.

We are still preparing for our OTARMA renewal for our property and casualty insurance which will renew April 7, 2015.

We are preparing for our OTARMA renewal which renews April 7th for property and casual insurance.

Mr. Eisel reminded everyone of the Pickerington Chamber annual dinner February 7th.

Mr. Eisel and Mr. Butcher have reviewed applications for the Road Department, and narrowed the pool to 6 applicants. Interviews will be conducted soon. One of the current road workers will be involved in the interview process as well.

Mr. Eisel reported 2 carbon Monoxide Detectors have been installed in the building.

We had an issue with the furnace that services the north side of the building and Mr. Eisel gave many thanks to Doc Metzger and Don Day for their work to get the furnace fixed.

Drug Free Workplace training is scheduled for February 16, February 23rd and March 2nd. A representative from our Employee Assistance Program will be present.

Mr. Eisel reported Kristi Huskey attended the required Public Records Training at the Ohio Township Association Conference. This meets the Townships obligation for attendance at this required training.

Mr. Eisel reported he received notification from Rebecca Medinger, Park and Recreation Director for the City, asking if the Township would consider co-sponsoring the fireworks again this year, the budget will remain at \$30,000, same as last year. **Mr. Dunlap made a motion to support the community celebration of the 4th of July for the Fireworks up to \$15,000.00. Seconded by Mr. Myers. Roll call vote: Mr. Dunlap, yes; Mr. Myers, yes; Mr. Weltlich, yes. Motion 2015-0204-A carries 3-0.**

Mr. Weltlich asked when Mr. Butcher needed his authorization for Pittsburg. Mr. Butcher said he could wait for a few weeks.

Mr. Eisel a resolution for consideration.

Mr. Myers made a motion to adopt Resolution 2015-0204-04 – Accept Annexation Agreement between City of Pickerington, Violet Township and Ricketts Family Fairfield Holdings, Ltd. Seconded by Mr. Dunlap. Discussion: Mr. Weltlich thanked the negotiating teams as they did an excellent job and passed on his sincere appreciation to the Ricketts family for making it possible to ‘bridge the gap’ across the road so the road issues go away. This is very generous on their part. Mr. Weltlich stated he was opposed to the way we have done this legislatively to adopt this resolution because he feels this agreement is a strategically important agreement, comparable to the CEDA Agreement we have with Canal and comparable to the JEDD we have with Pickerington and Canal and he thinks we should have had a public hearing so there could be proponents and opponents. Mr. Weltlich stated he recognizes that the CEDA and JEDD require statutory public hearings but he thinks the intent of this agreement is broad enough that it should also have had a public hearing. Mr. Myers asked if Mr. Weltlich would suggest we have public hearings at all annexations. Mr. Weltlich said not all annexations, but ones that are strategically important. Mr. Myers asked if we had any public hearings before for annexations. Mr. Dunlap said we had not and we did not hold any when we had the annexation agreement with the City of Pickerington for Springcreek which was ten times this size. **Roll call vote: Mr. Dunlap, yes; Mr. Myers, yes; Mr. Weltlich, no. Motion carries 2-1.**

Mr. Myers asked if Mr. Eisel had researched anything regarding liquor for the Violet Festival since the last meeting. Mr. Eisel said Ms. Sarko has done some research on this but he did not have a definitive answer yet. To his knowledge it was approved by the School Board but he wasn't sure where it was with the Department of Liquor Control. Mr. Myers asked Mr. Eisel to reach out to the Director of the Violet Festival regarding this.

Fiscal Officer:

Mr. Sauer reported he had a very productive meeting this week with the Director of Operations, the Fire Chief and other individuals with our Financial Advisor with regard to our projected bond issue we will have for the Fire Department. Timeline was the big focus.

Mr. Weltlich added that Mr. Eisel and Chief Little got to meet our Bond Attorney.

Trustee Reports:

Mr. Dunlap reported he attended the Ribbon Cutting Opening at the Heartland Bank.

Mr. Weltlich reported he and Mr. Eisel met with Mr. Ricketts to discuss evaluating and studying our zoning process to see if we could make it more progressive. Mr. Ricketts has agreed to choose a team to evaluate this and report back to the Trustees with his findings.

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

Pickerington Chamber of Commerce Annual Dinner February 7, 2015 at Hickory Lakes at 5:30 p.m.

There will be a Planning Session on February 20th at the Township.

Mr. Eisel added the Drug Free Workplace Training on February 16 at Station 592.

Old Business

None

Tabled Business

None

New Business

Mr. Myers reported Ohio State University will be here March 4th to do a presentation on the park.

The next regularly scheduled meeting of the Violet Township Board of Trustees will be Wednesday, February 18, 2015 at 7:30 p.m. at the Violet Township Administrative offices.

Pay Bills

Mr. Myers made a motion to pay the bills. Seconded by Mr. Weltlich. Roll call vote: Mr. Myers, yes; Mr. Weltlich, yes; Mr. Dunlap, yes. Motion carries 3-0.

Mr. Dunlap made a motion to take a ten (10) minute recess and then go into Executive Session at 9:20 p.m. to discuss personnel issues per the *Ohio Revised Code Section 121.22 (G) (1)*. Seconded by Mr. Weltlich. Roll call vote: Mr. Dunlap, yes; Mr. Weltlich, yes; Mr. Myers, yes. Motion carries 3-0. Mr. Weltlich added there will be no further business conducted after the Executive Session. Included in the Executive Session will be the three (3) Trustees, Fiscal Officer, the Director of Operations, the Fire Chief and the Township Engineer.

Mr. Dunlap made a motion to come out of Executive Session at 9:54 p.m. Seconded by Mr. Weltlich. Roll call vote: Mr. Dunlap, yes; Mr. Weltlich, yes; Mr. Myers, yes. Motion carries 3-0.

Adjournment

Mr. Dunlap moved to adjourn the regular meeting at 9:55 p.m. Mr. Weltlich seconded the motion. Roll call vote: Mr. Dunlap, yes; Mr. Weltlich, yes; Mr. Myers, yes. Motion carries 3-0. Meeting adjourned.

Respectfully Submitted,

Brian Sauer, Fiscal Officer

Joniann Goldberg, Administrative Assistant

Approved by:

Terry J. Dunlap, Sr., Trustee

Harry W. Myers, Jr., Trustee

Gary P. Weltlich, Trustee

Date: _____