

Violet Township Board of Trustees

February 7, 2007
Regular Meeting

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

Mr. Van Kannel called the roll and Mr. Dunlap, Mr. Myers, and Mr. Weltlich responded, "present". Other Township employees present were Bill Yaple, Director of Operations, Kenn Taylor, Fire Chief, and Greg Butcher, Violet Township Engineer.

Mr. Weltlich asked the audience to join with him in the Pledge of Allegiance and to remain standing for a moment of silence in honor of those that safeguard our freedoms around the world and here at home.

Mr. Weltlich asked for a motion to approve the minutes.

Mr. Dunlap moved, seconded by Mr. Myers to approve the minutes of the January 17, 2007, Regular Meeting without public reading as submitted by the Fiscal Officer. Roll call vote: Mr. Dunlap, yes; Mr. Myers, yes; Mr. Weltlich, yes. Minutes approved.

Mr. Myers moved, seconded by Mr. Dunlap to approve the minutes of the public hearing for the proposed Access Management Plan held on January 17, 2007 without public reading as submitted by the Fiscal Officer. Roll call vote: Mr. Myers, yes; Mr. Dunlap, yes; Mr. Weltlich, yes. Minutes approved.

Recognition of Guests:

Michael Dehlendorf of Blacklick, Ohio was present to give status of the ditch resolution for Sagamore Pond. He stated he met with the Fairfield County Commissioners, the Fairfield County Engineer and Fairfield Regional Planning. He explained that this ditch situation arose because of plans that were approved by the Fairfield County Engineers office pursuant to the approval process. Review and comments came back about four times from the County Engineer about errors in the plans that would bring the plans in compliance with sub division regulations. The ditch situation was not caught. The Violet Township engineer raised the alarm bells for the ditch before it was even constructed. Because of Mr. Butcher's concerns, the ditch centerline and the right of way in the easement were staked so the people could see the location of the ditch as it related to the roadway. Mr. Butcher met with Todd May, who issued instructions to build the ditch pursuant to the approved plans. The County Engineers position was that no inspections were called for and had they been called for they would have stopped construction of the ditch. The contractors' position is that when Mr. Butcher was out there with Todd May, he was informed that the ditch construction was going to start and there was no additional need to call inspections. After several meetings, they have been unable to resolve the problem. Everyone felt the ditch was unsafe. Mr. Dehlendorf attended a meeting on December 13 with the Fairfield County Engineer and Fairfield County Regional Planning to discuss a resolution to the problem. At that meeting it was not disclosed to him that on December 11th the County Engineers office had submitted a resolution for approval by the Fairfield County Commissioners Office to draw on their Letter of Credit' to improve the ditch. Their Letter of Credit was issued to guarantee improvements and this did not include the ditch to be an enclosed ditch. On December 14th, the Commissioners voted to permit to draw on the 'letter of credit'. If he had known, he would have been there to point out that that 'letter of credit' was not issued to guarantee enclosure of the ditch.

As a result of his meeting with the County Commissioners it was recommended by Ms. Shupe that the cost of the ditch resolution be split by the County Engineers office, one third by Mr. Dehlendorf's company and one third by the Township. The Engineer's office has not agreed to share in one third of this.

Mr. Weltlich questioned when the safety hazard was first noticed. Mr. Dehlendorf stated it was October 18, 2006. in addition, there were about 4 months of exposure to this safety issue

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Mr. Weltlich surmised that Mr. Dehlendorf's issue is not with the Violet Township Board of Trustees because they have not yet taken this situation for maintenance. It belongs to the County and the developer.

Mr. Dehlendorf once again stated that at their very first meeting it was stated that the Township would contribute toward the solution of the problem. Mr. Dunlap stated that at that meeting the Township tried to sit down with the County Engineer, Regional Planning and himself (Mr. Dunlap) acting as a facilitator to try to solve the safety issue and find a resolution. The comment was made: Would the township consider in service in kind gravel and he said he cannot speak for the other two trustees but it is not legally our issue. It was discussed and then we told them at a subsequent meeting that it was not our issue and we could not be involved and they would have to deal with the County. We did not commit to anything.

Public Comments

None

County Authorities

None

Fire Department

Fire Chief Kenn Taylor presented Resolution 2007-0207-12 To Purchase 15 sets of Turn Out Gear for Fire and Safety Services at a cost Not to Exceed \$22,500.00 total. **Mr. Myers moved to adopt Resolution 2007-0207-12 - To Purchase Turn Out Gear Seconded by Mr. Dunlap. Roll call vote: Mr. Myers, yes; Mr. Dunlap, Mr. Weltlich, yes. Resolution 2007-0207-12 is adopted.**

Chief Taylor presented Resolution 2007-0207-13 - Firefighter Resignation for Will Yaple. Mr. Dunlap moved to adopt Resolution 2007-0207-13 with Regrets. Firefighter Resignation. Seconded by Mr. Myers. Roll call vote: Mr. Dunlap, yes; Mr. Myers, yes; Mr. Weltlich, yes. Resolution 2007-0207-13 is adopted.

Chief Taylor presented Resolution 2007-0207-10. Purchase four Tornado Warning Sirens. Mr. Dunlap moved to authorize the purchase of four Tornado Sirens. Seconded by Mr. Myers. Discussion: Mr. Myers asked if this would come out of the Fire Fund or the General Fund. Mr. Yaple stated that as was discussed this would come out of the General Fund. Mr. Yaple also reminded residents to purchase weather radios for their homes as Chief Taylor had suggested a few years ago. The sirens are for outdoor notification. Mr. Weltlich asked if Chief Taylor was stating that the extra sirens would be available because the hardware is available? We are the largest partaker of this request. Mr. Weltlich asked how they were going to 'roll' this out so everyone understands. Chief Taylor will do something with the press during tornado season and of course, they will enhance it. Mr. Dunlap suggested including a nice article in our next quarterly newsletter. Roll call vote: Mr. Dunlap, yes; Mr. Myers, yes; Mr. Weltlich, yes. Resolution 2007-0207-10 is adopted.

Mr. Dunlap made a motion to recess the regular meeting and proceed to the scheduled public hearings. Seconded by Mr. Myers. Roll call vote: Mr. Dunlap, yes; Mr. Myers, yes; Mr. Weltlich, yes. Motion passed.

Mr. Dunlap moved to adjourn the continued Public Hearing portion of the meeting at 9:00 p.m. and resume the Regular Session of the Trustees meeting at 9:01 p.m. Seconded by Mr. Myers. Roll call vote: Mr. Dunlap, yes; Mr. Myers, yes; Mr. Weltlich, yes. Motion carried.

Chief Taylor mentioned a fundraiser for Cystic Fibrosis climbing 42 stories at the state office tower in full turnout gear and air pack. Alison Wendt finished first in the female division and climbed 42 floors in 11 minutes 56 seconds. Rob Gibson finished second overall in 9 minutes and 32 seconds and Kevin McFarland finished around the 12-minute mark.

Mr. Dunlap stated Medic 593 with the compressed air foam system in it made the 'Fire Rescue' Magazine, which goes all over the world. There was an article in there about

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our proactive chief being an innovator. It is important people understand that our Fire Department is one of the better in the country.

Chief Taylor reported that Jim Holcomb was reviewing fire grants as a peer reviewer at the National Fire Prevention Academy this week.

Chief Taylor went on record recognizing Mr. Butcher and his road crew for the extraordinary job they did over the last 24 hours with the snow. All the accidents were everywhere but the township.

Township Engineer

Mr. Dunlap moved to adopt Resolution 2007-0207-01 - Adopt Hourly Rates for Township owned Equipment. Seconded by Mr. Myers. Roll call vote: Mr. Dunlap, yes; Mr. Myers, yes; Mr. Weltlich, yes. Resolution 2007-0207-01 adopted.

Mr. Butcher reported on the Mingo Estates Issue 2 Project. He stated that four of the seven bidders had math errors. The apparent low bidder remains Beheler Excavating. He met with the City of Pickerington, Fairfield County Utilities and Beheler to answer any questions. They did ok that their real bid was \$615,000 and not \$678,000. They also confirmed there were no problems with the other items.

Mr. Myers moved to adopt Resolution 2007-0207-14 - Resolution Identifying the Apparent Lowest & Best Bidder; Authorizing Notice to Proceed with the Lowest & Best Bidder for the Mingo Estates Infrastructure Improvements - Phase 1 Project & Authorizing Township Employees to Perform Attendant Duties. Seconded by Mr. Dunlap. Discussion: Mr. Myers asked how everyone got so far off on the Engineer's estimate on the water bid. Mr. Butcher explained that the new sanitary is in very close proximity to existing water. While they are separate per jurisdiction, there is jurisdictional work within each component of the project. You have to go through the Township roads and remove the city's water line to put in the County sanitary sewer.

Mr. Van Kannel asked if the other participants of the project understand that their local share is based on the total project? Mr. Butcher stated that the three jurisdictions participated in all phases of the project. Mr. Butcher could state that the City of Pickerington, Fairfield County Utilities and Violet Township all committed to a 'number' per the requirements of the Issue 2 application. Mr. Yapple added that our Ohio Public Works monies would be reduced accordingly too.

Roll call vote: Mr. Myers, yes; Mr. Dunlap, yes; Mr. Weltlich, yes. Resolution 2007-0207-14 is adopted. Mr. Weltlich also asked if it would be possible to give the award by February 22, which is what the Gantt chart stated. Mr. Yapple stated that what we need now is approval from the EPA for waterline installation. This date is probable.

Mr. Dunlap moved to adopt Resolution 2007-0207-03 - Interim Use of Stop Signs at Grade Crossing Projects (Allen Road Railroad Crossing). Seconded by Mr. Myers. Roll call vote: Mr. Dunlap, yes; Mr. Myers, yes; Mr. Weltlich, yes. Resolution 2007-0207-03 is adopted.

Mr. Myers moved to adopt Resolution 2007-0207-05 - Resolution to Authorize Director of Operations or Designee to Submit a Grant Application to the Ohio Department of Transportation's Safe Routes to Schools Program (Application Update). Seconded by Mr. Dunlap. Roll call vote: Mr. Myers, yes; Mr. Dunlap, yes; Mr. Weltlich, yes. Resolution 2007-0207-05 is adopted.

Mr. Butcher reported there was riprap placed on the outlet side of the Sagamore Pond Ditch. Mr. Dunlap suggested that Mr. Butcher contact Regional Planning to let them know we are still concerned about the safety issues and give them a target date that has still not been met and plead for them to proceed to mitigate the safety hazard. Mr. Weltlich suggested writing a letter to formalize the process.

Mr. Dunlap reported they are trying to get a resolution on how the Sheriffs Department notifies the townships when the weather is bad. Mr. Weltlich stated that we should

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require that any method be consistent for all townships and not just a select few. Mr. Weltlich asked that we request this information.

Director of Operations

Mr. Yaple reported a 'Stay of Injunction' action will happen with the Thornton 228-acre annexation case. This will be in front of Judge Martin.

Mr. Yaple reported the public hearing for the vacation of Lockville is February 13 at 11:00 am.

Information was passed out regarding Community Emergency Response Team Training. This will be put on our website as well.

There are some FEMA issues on ICS 300 & 400 and Assistant Chief Eisel will be attending and taking care of our requirements as far as FEMA is concerned. There have been some major changes to the states laws for Records Retention and we must adopt a policy prior to the last meeting in March.

Mr. Yaple reported that he attended a meeting on the 33 growth and the Assessment and Funding Feasibility study that was done. They found that they need to identify the controlling board and the members of such board before they go out for further funding. Mr. Weltlich was very disappointed in the report and wanted Mr. Yaple to convey to the board that it is time to get active and be serious about it. Mr. Yaple stated they would be meeting to identify these board members. Mr. Weltlich recommended having a MORPC person on this committee.

We had 4 single-family permits for the month of January. We had a total of 1.2 million-construction evaluation. Total single family permits for the year is 4 with a construction cost of 1.2 million. We had 4 other permits for the month for a total of 4 for the year. In 2006, we had 2 single-family permits for the year. In 2005, we had 0 single-family permits and 0 condos/multi-family units.

Mr. Yaple reported the resolution for a Full Certification of Residential Building Code is still on the table and the state is saying that if they do not have paperwork in hand by February 15 then they will not have the certification done by May 15, which is the due date. Mr. Yaple recommended moving forward with the tabled resolution, however there is a coalition of municipalities being formed in the Central Ohio area and the coalition may go outside of that area. Dublin is spear heading this. City of Columbus is on board to move forward with their certifications and then file jointly as a class action issue against the state on the basis that Home Rule will prevail. Mr. Yaple recommended putting \$3,000 to \$5,000 in the kitty to join the City of Columbus and the City of Dublin in this fight. Mr. Dunlap recommended inviting CLOUT to have interest as it affects those home rule townships also. Mr. Yaple stated most of them have County building Departments. Mr. Dunlap asked Mr. Yaple to poll those to see how many do not and make them aware of what is going on to see if they want to participate. Mr. Yaple will be sending out an email on this.

Mr. Yaple reported there was no update on the 310 corridor group.

Mr. Weltlich inquired if there was any update on when they are contemplating doing the bridge on Refugee Road again. Mr. Dunlap thought maybe around spring break when the warm weather is here.

Mr. Dunlap moved to adopt Resolution 2007-0207-02 - Employee Benefits for Employees who are not Members of Bargaining Unit. Seconded by Mr. Myers. Roll call vote: Mr. Dunlap, yes; Mr. Myers, yes; Mr. Weltlich, yes. Resolution 2007-0207-02 is approved.

Mr. Dunlap moved to adopt Resolution 2007-0207-06 - To Hire Opinion Consultants to do a 2007 Residents Poll. Seconded by Mr. Myers. Roll call vote: Mr. Dunlap, yes; Mr. Myers, yes; Mr. Weltlich, yes. Resolution 2007-0207-06 is adopted.

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Mr. Weltlich moved to adopt Resolution 2007-0207-07 - Pickerington Area Chamber of Commerce Membership Dues 2007. Seconded by Mr. Dunlap. Roll call vote: Mr. Weltlich, yes; Mr. Dunlap, yes; Mr. Myers, yes. Resolution 2007-0207-07 is adopted.

Mr. Dunlap moved to adopt Resolution 2007-0207-08 - Resolution to Advertise in OPVBA Annual Directory. Seconded by Mr. Myers. Roll call vote: Mr. Dunlap, yes; Mr. Myers, yes; Mr. Myers, yes. Resolution 2007-0207-08 is adopted.

Mr. Dunlap moved to adopt Resolution 2007-0207-09 - Olde Pickerington Village Business Association Membership Dues 2007. Seconded by Mr. Myers. Roll call vote: Mr. Dunlap, yes; Mr. Myers, yes; Mr. Weltlich, yes. Resolution 2007-0207-09 is adopted.

Mr. Weltlich moved to adopt Resolution 2007-0207-11 - Canal Winchester Area Chamber of Commerce Membership Dues. Seconded by Mr. Dunlap. Roll call vote: Mr. Weltlich, yes; Mr. Dunlap, yes; Mr. Myers, yes. Resolution 2007-0207-11 is adopted.

Mr. Dunlap moved to adopt Resolution 2007-0207-15 - 2007 Violet Festival Funding. Seconded by Mr. Myers. Roll call vote: Mr. Dunlap, yes; Mr. Myers, yes; Mr. Weltlich, yes. Resolution is adopted.

Mr. Van Kannel read the first reading for the Home Rule Resolution 2007-HR0207-01 - Adopt Access Management Regulations.

Fiscal Officer

Mr. Van Kannel presented the latest paid payroll as well as a resolution for Advance Payment out of Current Tax Collection.

Mr. Dunlap moved to adopt Resolution 2007-0207-04 - Advance Payment out of Current Tax Collection. Seconded by Mr. Myers. Roll call vote: Mr. Dunlap, yes; Mr. Myers, yes; Mr. Weltlich, yes. Resolution 2007-0207-04 is adopted.

Mr. VanKannel reported he is opposing some information in order that they may meet some IRS standards. He will report to the Trustees of his concerns, as he would like to take a proactive approach.

Trustees Reports

Mr. Dunlap reported that the Bicentennial Committee is working well. They had about 18 people in attendance at the last meeting. Committees are moving right along. The hair production contest will start July 4, 2007. This will be one of the big kick offs for the celebration.

Trustees Out of Office Meetings

none

Old Business

None

Tabled Business

Resolution 2006-1004-01 - Full Certification of Residential Building Code. Mr. Dunlap moved to remove Resolution 2006-1004-01 from the table. Seconded by Mr. Myers. Roll call vote: Mr. Dunlap, yes; Mr. Myers, yes; Mr. Weltlich, yes. Resolution 2006-1004-01 is removed from the table.

Mr. Dunlap moved to adopt Resolution 2006-1004-01 - Full Certification of Residential Building Code. Seconded by Mr. Myers. Roll call vote: Mr. Dunlap, yes; Mr. Myers, yes; Mr. Weltlich, yes. Resolution 2006-1004-01 is adopted.

New Business

Mr. Myers reported he spoke to Linda Fersch of the City of Pickerington and was told they did a random thing with Insight Cable TV and she has found quite a few residents of

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Insight say that it is in Violet Township when it is actually in the City of Pickerington. He said Linda has a list of all the residents in the City of Pickerington that Insight is subscribed to and wondered why we do not have one. He asked that Mr. Yaple check into this.

Mr. Weltlich requested a motion to leave the Trustees assignments in place. Mr. Dunlap moved to keep the same assignments that we have had in the past. Mr. Myers seconded the motion. Roll call vote: Mr. Dunlap, yes; Mr. Myers, yes; Mr. Weltlich, yes. Motion A2007-0207 is passed.

Mr. Weltlich made known to the press that there is a solicitation going on for weather spotters for residents and asked the press to publish asking for volunteers, as this is a worthwhile cause.

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

Mr. Myers made a motion to go into Executive Session after taking a 5-minute recess to discuss legal issues concerning disputes involving the public body and either pending or eminent court or personnel action. Seconded by Mr. Weltlich. Roll call vote: Mr. Myers, yes; Mr. Weltlich, yes; Mr. Dunlap, yes. Motion carried.

Mr. Weltlich stated that when they come out of Executive Session, they will conduct no further business and would adjourn immediately following the executive session.

Mr. Dunlap moved to come out of Executive Session at 11:16 pm. Seconded by Mr. Myers. Roll call vote: Mr. Dunlap, yes; Mr. Myers, yes; Mr. Weltlich, yes. Motion carried.

Being no further business to conduct Mr. Myers moved to adjourn the meeting. Seconded by Mr. Dunlap. Roll call vote: Mr. Myers, yes; Mr. Dunlap, yes; Mr. Weltlich, yes. The meeting adjourned at 11:16 p.m.

Respectfully Submitted,

Jim Van Kannel, Fiscal Officer

Joniann Goldberg, Zoning Secretary

Approved By:

Gary P. Weltlich, Chairman

Harry W. Myers, Jr., Vice-Chairman

Terry J. Dunlap, Sr., Trustee

Date: _____