

Violet Township Board of Trustees

May 19, 2010

Regular Meeting

Chairman Dunlap called the meeting to order at 7:30 p.m.

Mr. Smith called the roll and Mr. Dunlap, Mr. Myers and Mr. Weltlich were present. Other Township employees present were: John Eisel, Fire Chief; Assistant Chief, Doug Barr; Bill Yapple, Director of Operations and Greg Butcher, Township Engineer, and Kelly Sarko, Zoning Inspector

Mr. Dunlap 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 our public safety officers here at home.

Mr. Weltlich moved to adopt the minutes of the Regular Trustee meeting of May 5, 2010 and without public reading. Seconded by Mr. Myers. Roll call vote: Mr. Weltlich, yes; Mr. Myers, yes; Mr. Dunlap, yes. May 5, 2010 Regular Trustee meeting minutes approved. 3- 0.

Mr. Weltlich moved to adopt the minutes of the Public Hearing meeting of May 5, 2010 and without public reading. Seconded by Mr. Myers. Roll call vote: Mr. Weltlich, yes; Mr. Myers, yes; Mr. Dunlap, yes. May 5, 2010 Public Hearing meeting minutes approved. 3- 0.

Recognition of Guests:

None

Public Comment:

Andrew Downey of 9951 Circle Drive was present. Mr. Downey asked the Trustees for a donation for the Vietnam Traveling Memorial Wall event that coincides with Veterans Day on November 11th. They expect 40 to 60 thousand people to visit the wall. They are in need of funds for landscaping, transportation and site preparation. **Mr. Weltlich made a motion to donate \$5000.00 to the American Legion Post 283 Wall. Seconded by Mr. Myers. Roll call vote: Mr. Weltlich, yes; Mr. Myers, yes; Mr. Dunlap, yes. Motion A2010-0519 is approved 3-0.**

County Authorities:

Chief Deputy Perrigo reported the prescription drug drop off at the maintenance facility started out slow but picked up and they are talking about having another one at some point.

Chief Deputy Perrigo reported they are starting to take accident reports in the cars now. Chief Deputy Perrigo introduced Detective Scott Ervin who has been working out of the Violet Sub Station for about 4 – 5 weeks. They are still working through some computer issues and trying to get through that. They are getting a lot of good information from the citizens that have been a tremendous help. Detective Ervin emphasized to the Township to encourage residents to call in with any problems or questions.

Departmental Reports:

Fire Department

Chief Eisel reported he had dealt with Deputy Hummel on an issue and he expressed how helpful and responsive Deputy Hummel had been.

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Chief Eisel reported the CERTS class (Citizens Emergency Response Team) starts next week at Station 592. As of yesterday 22 people had signed up and they expect a few more. There are more that could not attend this class and expressed an interest to do the class at a later date.

Work continues on the outdoor warning sirens project.

Chief Eisel and Assistant Chief Barr attended the Ohio Fire executive Class 8 graduation. Battalion Chief Jim Paxton graduated from this class. His research paper was one of the superior papers of the class. It was on Emergency Medical Vehicle Safety. They have incorporated some of his ideas in the new truck. This truck should be delivered the first or second week in June.

Chief Eisel was invited as a guest speaker to the Grant Medical Center Paramedic Alumni breakfast. This was the beginning of EMS week.

A meeting is scheduled next week to wrap up the plans for the annual safety health and survival stand down days (June 23, 24 and 25).

Mr. Myers asked if Doc's new truck had made it to Indiana. Chief Eisel had not heard.

Mr. Weltlich asked if he had gotten any feedback on the dry fire systems at the Senior Center. Chief reported Jim Holcomb continues to work with the Senior Center on this. Mr. Weltlich's concern is that the system corrodes because it accumulates moisture inside the pipes. He would like to know if this is true and if so they could start thinking about alternatives from keeping this from happening. Chief Eisel will look into this.

Township Engineer

Mr. Butcher reported the Busey Road Culvert Placement project was bid. There were 5 bidders. The apparent low bid was around \$95,000.00. Rock River Construction was a contractor who we have used previously. All their materials appear to be in order. Mr. Butcher reported Mr. Yaple is going to check with the Prosecutor on how soon we can award this if at all with funding being approved on July 1.

Mr. Butcher and Mr. Dunlap have discussed and reviewed the pavement maintenance. They hope to have something at the next Trustee meeting on this. Mr. Butcher is projecting mid to late June for the project start date.

Mr. Butcher reported there were several Township participants in the 'Walking School Bus' project. Monday they walked to Fairfield Elementary; Tuesday to Violet Elementary, Wednesday a group walked to Tussing and Thursday a group walked to Sycamore Creek. Channel 6 was there for the Thursday walk. This is an opportunity to put this in front of people and is part of our commitment to the State of Ohio.

Mr. Butcher said they are looking at two projects for the Issue One project and he wanted discussion and some direction on the Waterloo Road Bridge Replacement and Mingo Estates Infrastructure Improvements.

Mr. Dunlap said his thought all along was that the bridge was the County Engineer's responsibility. Mingo is our responsibility and Mr. Dunlap feels that we should put the priority on Mingo since this is ours. Mr. Weltlich feels that Mr. Anderson promised to do something with the bridge 5 years ago with the next year and that was four years ago. Mr. Myers thought we were going to try and

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hold back on Mingo a few years to try to accumulate some more funds for the side project. In all the meetings we had with the County Engineer we were pretty specific that we were going to ask for Issue 2 funds. Mr. Butcher said that with every round we can submit two projects and they do ask for priority. Mr. Butcher is confident that from 2008-2012 we will have enough money to pay for our share of the improvements.

Mr. Butcher reported the dog park was seeded and there is very little standing water.

Mr. Butcher added they have been busy mowing parks, cemeteries, the Pickerington Senior Center, the administrative office and the two maintenance facilities.

Mr. Weltlich commended Mr. Butcher on the job done at the Senior Center with the drainage problem. Mr. Butcher said it all worked out well.

Mr. Weltlich asked if Mr. Butcher had talked to Mr. Bachman on hold harmless on overruns on the Safe Routes to Schools Project. Mr. Butcher did talk to the staff engineer. Mr. Butcher will take this up to another level.

Director of Operations

Mr. Yaple reported we have received our notice about the July 4th parade.

TRAC from ODOT voted for the funding levels within the State of Ohio and they funded 5 million dollars to studies and to get started on improvements for I-270, I-70 and the Brice Road ramps. They will be getting a letter from each entity in support of this action as they feel this would clear up many problems with backups for our residents to get downtown in the mornings and evenings. Mr. Yaple will work with Mr. Butcher in preparing a letter to support this project to improve the interstate.

Mr. Yaple reported Ms. Sarko was present because she would be discussing a property action on Mamie Drive off Tollgate Road that we had discussed. We need to make sure that what the Trustee do every thing correct tonight and what she does are in line as well as requesting the staff to do certain things and that the minutes are correct as all of the cost associated with this action will be charged to the property owner and assessed to the property.

We have the information for the cemetery funds and a check has been cut.

The Busey Road meeting with talking to the Village of Canal Winchester and revised drainage plans is done. The retention basin that we are proposing will well take the 100 year storm and we can prove that it does.

Mr. Weltlich wanted to make sure Mr. Yaple had met with the administrative staff and everyone was on the same page. Mr. Yaple said that he had.

Mr. Yaple has a resolution to request Fairfield Regional Planning to forward lot splits to the Township. We approved the Access Management plan about 2 years ago and adopted it though the proper channels of the ORC. We have never asked the County to do this at this point and discussions we have had in the last month and a half at Regional Planning, because the Fairfield County Commissioners and the Fairfield County Engineer's Office have not passed an Access Management Plan of any sort; so they cannot enforce our plan. Therefore, we need to bring those here to enforce that and our Township roads.

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We cannot do it on county or state roads. We can communicate it with the State of Ohio and they will enforce their roads to us. The resolution goes through the ORC to say why we are doing this but we have been working through this process for 2-3 years in trying to get this done. It will give Mr. Butcher the authority to oversee these lot splits and say this will be the access point and it will allow us to look at our distance from intersections that we have in the Access Management Plan. Legal Council has written the resolution with our help. Mr. Yaple is comfortable with it. This would go straight to Regional Planning and then they will enforce it. A copy would go to the County Engineer and the Commissioners office. Mr. Butcher feels we deserve the ability to make these determinations on the lot splits.

Ms. Sarko spoke about the Trustees declaring the property owned by William and Darlin Juris, known as 6185 Mamie Drive, in Violet Township, Fairfield County, Ohio a nuisance. Pursuant to O.R.C §505.87 She said a Resolution has been prepared but legal counsel has instructed us to provide for the record a detailed statement why this property is to be declared a nuisance. Ms. Sarko said that at least fourteen notifications have been sent over the years regarding junk motor vehicles, trash and debris and noxious weeds. The most recent letter was sent on March 23, 2010. She noted that there are photos dated March 23, 2010 and May 18, 2010 which show the debris.

She noted the debris consists of miscellaneous plastic containers, a plastic swimming pool, household furniture including at least two tables, at least three push lawn mowers, one gray riding lawnmower (gray) – she noted that according to a neighbor they did, get the other riding lawn mower (stored under the tarp) repaired, broken athletic equipment, plastic toddler gate, a large pile of brush and limbs and debris from the ice storm that occurred several years ago that has not been chipped, behind the brush pile there is a chipper that a neighbor has indicated has been there for many years. She said it looks like someone is trying to chip the brush pile, the neighbor has indicated that it is not being used; miscellaneous metal; There is a trailer filled with debris at the rear of the property which appears to contain yard furniture and some other miscellaneous metal, miscellaneous wood, miscellaneous trash, an overgrowth of vegetation around trees and other yard waste which has been dumped at the rear of the property.

She said they are requesting that a title search be performed because the County Recorder's website only goes back to 1996. They purchased the property prior to 1996 and by law, notification needs to go to all the lien holders of the property.. We have contacted two title agents and the third one never called back. We would like to do a title search called a Single Owner Search. It costs \$75.00 and takes three to four days but we need to notify anyone who has a lien or second mortgage on the property.

She said that she will be posting a notice on the front door and on the garage so that we do not have to wait for certified mail receipt from the property owners to come back. After the notification period has passed, we are requesting that Mr. Yaple be the designated person to coordinate contracting with someone to actually go in and abate the nuisances. If they don't do it themselves, all the costs associated with the removal whether it be the title search, any certified mail, anything associated with this action will be placed on the tax duplicate. Mr. Dunlap added that she should put in her time. Ms. Sarko noted that and Loveland and Brosius said to be very specific about the time that the Township records.

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Mr. Weltlich asked how long this has been going on. Ms. Sarko said we have taken them to court for junk motor vehicles at least two times for five vehicles. She noted that last summer the Township was prepared to file a lawsuit but there were some issues inside the house where the Health Department and were involved in so they backed off this in hopes that this situation would be resolved with those agencies. Since that time, we have decided that this is the most appropriate action. Mr. Weltlich asked if in all the correspondence it does not mention when all this started. Mr. Yaple said it had been at least 4 to 6 years. Mr. Weltlich asked if the many complaints from neighbors had been documented or recorded some place. Ms. Sarko said she did speak to one of the neighbors last night and Ms. Sarko asked her to come to the meeting. She told Ms. Sarko that the way the front yard got mowed was one of the neighbors across the street mowed it and he got sick and tired of looking at the mailbox and got a mailbox from the Senior Center. Mr. Weltlich said this was not what he asked. He wanted to know if we had documentation from neighbors complaining because if we are going to go to trial we need substantial evidence. Mr. Yaple said this won't go to trial. Mr. Dunlap said this new section allows us to declare a nuisance and give them a notice. If they do not clean it up then we hire someone to and then bill them and it goes on the taxes. Ms. Sarko said this was probably more cost effective then litigating it. Ms. Sarko said that Loveland and Brosius recommended that when we enter into a contract with a company to abate the nuisance that we have them sign a hold harmless and indemnify the Township against any loss. Whatever they may remove if it is stated that it is worth something, they are not coming back to us and instead are going to the contractor.

Mr. Weltlich asked what Loveland and Brosius would say about Ms. Sarko going on the property to attach the notice. Ms. Sarko said per this Section of the O.R.C. she is permitted to do so and that when posting the notice, she would request a Sheriff go with her. Mr. Yaple said the last one they did like this there were nine vehicles and we had five dump truck loads of material out of it. Mr. Myers asked if we would contract this out. Mr. Yaple said he would rather contract it out. Ms. Sarko said by approving this resolution:

1. The Board orders the owner of the Property to remove the Vegetation, Garbage, Refuse and Debris or make arrangements for the removal within seven (7) days after the receipt of notice of this Resolution;
2. The Board authorizes the Zoning Inspector or her designee to authorize Talon Title to perform a "One Owner Title Search" of the property to determine the lien holders of the property known as 6185 Mamie Drive;
3. The Board authorizes the Zoning Inspector or her designee to notify the record owner and lien holders of the Property as provided in §505.87(B) of the Ohio Revised Code;
4. If the record owner does not remove the Vegetation, Garbage, Refuse and Debris or make arrangements for the removal within seven (7) days from the receipt of notice hereof, the Director of Operations is authorized to order Township employees, materials and equipment to be used to remove the Vegetation, Garbage, Refuse and Debris or to enter into a contract with some suitable person or persons for its removal, and all costs and expenses so incurred shall, when approved by the Board, be paid out of the unappropriated monies in the general fund;
5. The Fiscal Officer shall report all expenses that the Township incurs in the removal of the Vegetation, Garbage, Refuse and Debris to the Auditor of Fairfield County, Ohio for entry upon the tax duplicate as a lien upon the

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6. Property and for collection and reimbursement of the Township's general fund as provided in §505.87 of the Ohio Revised Code.
7. This Board finds and determines that all formal actions of this Board concerning and relating to the passage of this Resolution were taken in open meetings of this Board, and that all deliberations of this Board that resulted in formal actions were taken in meetings open to the public, in compliance with all legal requirements, including but not limited to, Ohio Revised Code Section 121.22, except as otherwise permitted thereby.

Mr. Weltlich made a motion to adopt Resolution 2010-0519-02 – Declaring the Property Owned by William and Darlin Juris, known as 6185 Mamie Drive, in Violet Township, Fairfield County, Ohio, a Nuisance. Seconded by Mr. Dunlap. Roll call vote: Mr. Weltlich, yes; Mr. Dunlap, yes; Mr. Myers, yes. Resolution 2010-0519-02 is adopted 3-0.

Mr. Weltlich made a motion to adopt Resolution 2010-0519-03 – Referral of Proposed Lot Splits. Seconded by Mr. Myers. Roll call vote: Mr. Weltlich, yes; Mr. Myers, yes; Mr. Dunlap, yes, Resolution 2010-0519-02 is adopted 3-0.

Home Rule Resolutions:

None

Motions to Be Considered:

None

Fiscal Officer

Mr. Smith reported we have a check for Key Bank to cover fees we are incurring while waiting for the revenue portion of EMS recovery. Secondly, the cemetery funds are headed towards the City of Pickerington. The only new vendor is Road Fitness and this is fitness equipment for the Fire Department.

Mr. Weltlich asked about the Fiscal Officer investigating alternative banks. Mr. Smith said they have investigated but it was put on hold during the audit period.

Mr. Weltlich asked Chief Eisel if he would have any extra surplus workout equipment in the next two years for the Senior Center. Chief Eisel said he might.

Mr. Weltlich made a motion to adopt Resolution 2010-0519-01 – Supplemental Appropriations. Seconded by Mr. Myers. Roll call vote: Mr. Weltlich, yes; Mr. Myers, yes; Mr. Dunlap, yes. Resolution 2010-0519-01 is adopted 3-0.

Trustee Reports:

None

Trustees Out of Office Meetings:

None

Old Business:

None

Table Business:

None

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New Business:

Mr. Yaple reported the health insurance committees met. There were 3 or 4 options given. There is an increase with our current policy. If we manage the deductible to where we are today it would be close. The recommendation was 5 and 10 but he did not have a problem with going to the 4 and 8 with Medical Mutual. Chief Eisel said he had met with a few representatives with Medical Mutual and to sum it up they have made some improvements to the way they are doing business. They assured us they would work as hard as they could to make things better than they were last time. Mr. Weltlich reminded the group that Medical Mutual had cancelled us before, they boycotted Walgreens. Chief Eisel said it had been resolved and they would be very responsive to whatever decisions arise. Mr. Myers asked what the difference in the monthly premium was for the 4 and 8 and the 5 and 10. The difference between the 4 and 8 is \$5,100.00 and the 5 and 10 is \$4,408.00. It would be about \$7,000.00 more to go to the 4 and 8. Chief Eisel said last year they had 17 out of 62 members meet the entire deductible. Mr. Smith would recommend the 5 and the 10.

Mr. Weltlich made a motion to accept the offer to go with Medical Mutual for a \$5,000.000 - \$10,000.00 deductible. Seconded by Mr. Myers. Roll call vote: Mr. Weltlich, yes; Mr. Myers, yes; Mr. Dunlap, yes. Motion B2010-0519 is adopted 3-0.

Mr. Weltlich asked Chief Eisel to approach MECC to see why we cannot consolidate all the insurance into one package.

Pay Bills:

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

Mr. Dunlap announced they would dispense from going in to Executive Session.

Mr. Weltlich made a motion to adjourn the meeting at 9:00 p.m. Seconded by Mr. Weltlich. Roll call vote: Mr. Weltlich, yes; Mr. Myers, yes; Mr. Dunlap, yes. Motion carried 3-0.

Respectfully Submitted,

Christopher H. Smith, Fiscal Officer Joniann Goldberg, Administrative Assistant

Approved By:

Terry J. Dunlap, Sr., Chairman

Harry W. Myers, Jr., Vice-Chairman

Gary P. Weltlich, Trustee

Date: _____