

RECORD OF PROCEEDINGS

Minutes of

MIFFLIN TOWNSHIP BOARD OF TRUSTEES

Meeting

Held

FEBRUARY 5,

2007

Chairman Spanovich called the Regular Staff Meeting to order at 9:00 A.M. with Mr. Angelou and the Fiscal Officer present. Mr. Stewart was absent.

Also present were:

Joe Bailey	Franklin Co. Zoning Enforcement Officer
Mike Jones	Architect-6209 Riverside Dr., #200
Ben Weiner	Franklin Co. Economic Development Dept.
John Moses	3749 Missouri Ave.
Richard Sparks	3773 Earl Ave.
Jim DeConnick	Fire Chief
Michael Pocock	Police Chief
Calvin McKnight	Service Director
Steve Blake	Code Enforcement Officer
Mory Fuhrmann	MECC Supervisor

Mr. Spanovich led the Pledge of Allegiance to the Flag and Mr. Angelou asked for 20 seconds of silent meditation and reflection on what is important in our live and what we want to accomplish.

Mr. Spanovich turned the meeting over to Ben Weiner from Franklin County. Mr. Weiner said he is a Planner with the Economic Development & Planning Department and is present tonight to present a Land Use Plan Proposal for Mifflin Township. He distributed copies of his presentation and said the proposal is to develop an Infill Development Strategy for portions of Mifflin and a small amount of Clinton Townships by participating in the Columbus Northeast Area Plan. He said they are midway through the plan which focuses on redevelopment and improvement and the County will be developing a plan for the unincorporated territory that is in harmony with the Columbus plan to allow the area to redevelop in a consistent manner. Mr. Weiner highlighted the components of the plan that pertains to Mifflin & Clinton Townships as shown in the proposal. He said the next steps would be to continue discussions with Columbus and incorporate township representation by having us appoint a steering committee to attend meetings and work with Clinton, Franklin County and Columbus to redefine recommendations for the final Plan. Mr. Spanovich said he is glad for the Township to be a part of this development plan but there may be a problem because there are areas in Mifflin Township that have no water which may discourage developers. We have been unable to get water from Columbus without annexation in the past. Mr. Spanovich said he hopes we can all work together and correct this problem. Mr. Weiner said he plans to attend our next meeting on February 20, 2007 to discuss this further.

Mr. Spanovich said that regarding the proposed Verizon Cellular Tower, Mike Jones is present to discuss this matter. Mr. Jones said he is a partner with Jester Jones Schifer, Architects who are working with Verizon on the proposed cellular tower. He said he has attended two Planning & Zoning meetings and a workshop at the City of Gahanna to try to get the proposed tower approved by them. It was voted down four to three at the last meeting. Verizon is now going to take it before the Board of Zoning Appeals at the City of Gahanna. Mr. Jones said that if that fails, they have prepared another proposal in an attempt to meet the City's approval by moving the site of the tower between the two old garages on the other end of where the present tower is located. He said they are proposing to place a monacle type tower between those two buildings and using the end of the building to house the radio equipment. Mr. Jones said they hope to go before Planning and Zoning in March. If they don't vote on it then, they might ask for another workshop and not vote on it until their next meeting in April. He said he would be surprised if this project could get started before Fall.

John Moses of 3749 Missouri Ave. said he was present tonight with his family to discuss the code violation notice they received regarding his family having chickens. He said the chickens actually belong to the children and they have been able to donate eggs to the Community Kitchen downtown as well as for their own use and friends. He said they have been raising them for about ten (10) years and they started out as a school science project. They couldn't kill them because they have turned out to be more pets than anything. He said he spoke with Joe Bailey, Franklin County Zoning, and Mifflin's Code Enforcement Officer, Steve Blake and told them they are mistaken regarding the violation because he has more than one acre. He said he did some research and showed them a map of the area which he felt proved he was not in violation.

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Mr. Moses said he felt the letter he received was threatening. Mr. Blake said he has always been willing to work with people to help them correct a problem. Mr. Angelou asked Mr. Moses how many chickens he had and was told about 36 now. After the science project, they didn't want to kill them so they just raised them. Mr. Angelou asked how they disposed of the chicken feces. Mr. Moses said they donate a lot of food to the Community Kitchen and have a garden which they fertilize with the feces. He said the chickens eat bugs and are very environmentally friendly. He showed the Board pictures of his property that Mr. Blake had taken and sent to him and pictures that he had taken of the property across the street that he felt did look bad. He said his property looked like that when they first bought it and they have made a lot of improvements. Mr. Moses said that the chickens are about 150' from his house and about 150' from a neighbor's house. He said they have over an acre of land. The last six months the County has been working on sewers in the area which blocked them off for a while and there has been equipment moved in for tree trimming. He said they just now are getting back to normal and now they have been socked with a code violation. Mr. Angelou asked what he wanted from the Board. Mr. Moses said the children want to be able to keep the chickens as they are like pets. He said there is no market for them, so they would have to be killed.

Steve Blake said that he sympathizes with the children regarding the chickens that they feel are pets, but as Code Enforcement Officer, he must be consistent with enforcement throughout the Township. He said as he told Mr. Moses on the phone, he doesn't write the laws, he just enforces them. He said he sent several certified letters regarding code violations to property owners in the Leonard Park area and out of these about 70% to 75% of the folks are making adjustments or corrections and doing clean-ups. He said he tries to work with the people and has given extensions due to circumstances as he always tries to be reasonable. Mr. Blake said that another problem on Mr. Moses's property is that there is a lot of trash and debris which he has pictures of but the main focus here today is the chickens. He asked Joe Bailey from Franklin County Zoning to speak regarding the acreage in question.

Joe Bailey said that the subject of the acreage has arisen. There is no acreage. The house where the chickens are located is on a platted lot that is 50' x 125' and is zoned residential. On a plot less than an acre, agriculture is prohibited under Franklin County Zoning but it does not prohibit a garden. Mr. Moses said he owns eight continuous lots from the alley on Missouri Ave. and goes around to Georgia Ave. Mr. Angelou said that according to Mr. Bailey, each lot is separate with agriculture prohibited on each lot and they can't be considered as one lot over an acre. Mr. Moses said there are no barriers between the lots and they have owned the land for 27 years. Joe Bailey said if he were to sell the lots, they would be considered as separate lots, not one over an acre. Mr. Moses said that there have been neighbors who raised animals before which has never been an issue and they have always considered this as rural residential. He said this aggressive or adversarial litigation has only arisen in the last few months since Mr. Blake as become the Code Enforcement Officer. Mr. Moses said he pays upward of \$4,000 in taxes per year for the eight properties he owns in Leonard Park. He said he and his family are good people trying to use their property in a very peaceful and environmentally friendly way.

Richard Sparks of 3773 Earl Ave. in the Leonard Park area said Mr. Blake is trying to clean up the neighborhood and to make it look good and he himself received the same letter and has to move a motor vehicle. He said he can't have any cows or pigs as it wouldn't be right to take a residential neighborhood no matter how long you have been there and turn it into a farm land. He said we should all work together to clean up our neighborhood. Mrs. Moses said that when they moved into their property there were animals being raised in the neighborhood and were told it was rural residential and they were allowed. She said that is why they started the school science project with the chickens and have now had these animals for about ten years. Mr. Moses said that he does not see why Mr. Sparks has a concern that his family having chickens will initiate farm animals coming into Leonard Park. He said they are trying to teach their children to help others because all the extra food they produce goes to a Community Kitchen. He said that if there is a limit of chickens they could have, they would abide by it but he feels that there has been an over aggressive intrusion on something that is not really very menacing. Joe Bailey asked Mr. Moses if he thought his property was worth more or less with the chickens. Mr. Moses said that it would be more valuable with the chickens because he does not have to use any chemicals on his property.

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Mr. Angelou told Mr. Moses that he presented his case very well but there is a legal situation and a family situation. He said that the Code Enforcement Officer has to do his job not only on his property but all properties and he has been very consistent and doing a good job. He said this is not something that can be settled at this time and thanked Mr. Moses and Mr. Sparks for their input. Steve Blake said that he will give Mr. Moses an extension to try to work this out. He does need to address the trash issue now and get that cleaned up.

Chief DeConnick said that Lt. Mory Fuhmann, Supervisor of the MEC Center and Dispatcher Stan Broadway were asked to be at this meeting to explain why they are asking for a carryover of their 2006 unused vacation time. Both explained that three additional agencies were added to the MECC which required extensive amounts of meetings, planning and training to accomplish the transition in a small amount of time. The Trustees agreed to allow them to carryover their unused vacation time to March 31, 2007 but stated for the record that this is done on a case to case basis.

Res. 29-07: Approve Carryover of 16 Hours of 2006 Unused Vacation Time to March 31, 2007 as Requested by MECC Lt. Mory Fuhrmann

Mr. Angelou moved to approve the carryover of 16 hours of 2006 unused vacation time to March 31, 2007 as requested by Lt. Mory Fuhrmann and recommended by Chief DeConnick. Mr. Spanovich seconded. All voted yea. Motion carried.

Res. 30-07: Approve Carryover of 55 Hours of 2006 Unused Vacation Time to March 31, 2007 as Requested by MECC Dispatcher Stan Broadway

Mr. Spanovich moved to approve the carryover of 55 hours of 2006 unused vacation time to March 31, 2007 as requested by MECC Dispatcher Stan Broadway and recommended by Chief DeConnick. Mr. Angelou seconded. All voted yea. Motion carried.

CORRESPONDENCE

The following correspondence was presented to the Board by the Fiscal Officer:

1. Franklin County Technical Review Committee notice of a meeting they held on January 23, 2007. There were no cases for Mifflin Township but there was a case for Plain Township for a Reserve at Hoover subdivision for the creation of 14 single family lots and three reserves.
2. Franklin County Board of Health thank you letter for allowing them to use one of our Service Department buildings for the rabies vaccination clinic on January 19th as we have done in the past. 150 animals were vaccinated in the two-hour clinic.
3. Franklin County Board of Health letters to the property owners of 2593 Ferris Park Dr. S., 2714 Ferris Rd. and 2704 Ferris Rd. regarding violations that if not corrected, legal proceedings may result.
4. National Church Residences letter notifying us that they will be a general partner of a multifamily residential development called Stygler Commons located in or within one-half mile of our political jurisdiction at 165 N. Stygler Road.
5. Franklin County Township Association notice that their February meeting will be held at the Plain Township Firehouse on Thursday, February 15, 2007 at 6:00 p.m. The speaker will be Kyle Wilson from the Franklin Soil & Water District.
6. Franklin County Engineer letter regarding their annual meeting of the Township and County officials to be held Thursday, March 8, 2007 at the Berwick Manor Restaurant beginning at 6:00 p.m. with dinner at 7:00 p.m. Reservations must be made by March 5, 2007.

The Fiscal Officer said that the Certificate of Estimated Property Tax Revenue form was received from the County Auditor stating that placing the Road District Levy on the ballot would generate \$180,442.62. The Trustees agreed that it should be placed on the May 8, 2007 ballot.

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Res. 31-07: Approve Resolution to Place Road District Levy on the May 8, 2007 Ballot for a New Four (4) Mill Levy for a Continuing Period of Time in the Unincorporated Area of Mifflin Township

Mr. Angelou moved to approve a Resolution to place a Road District Levy on the May 8, 2007 ballot for a new four (4) mill levy for a continuing period of time in the unincorporated area of Mifflin Township. Mr. Spanovich seconded. All voted yea. Motion carried. (See Referral File)

The Fiscal Officer said we received another application to use the Township Meeting Hall from the Relay for Life of Gahanna and New Albany for a committee meeting on February 7, 2007 from 5:45 p.m. to 7:30 p.m. We are still holding their \$200.00 deposit. They hope to have their monthly meetings here after they have their full meeting calendar complete.

Res. 32-07: Approve the Township Meeting Hall Rental Application of the Relay for Life of Gahanna and New Albany for a Committee Meeting on February 7, 2007 from 5:45 P.M. to 7:30 P.M.

Mr. Spanovich moved to approve the Township Meeting Hall Rental as requested by the Relay for Life of Gahanna and New Albany for a committee meeting on February 7, 2007 from 5:45 p.m. to 7:30 p.m. under the non-profit guidelines. Mr. Angelou seconded. All voted yea. Motion carried.

The Fiscal Officer said she received an example from Municipal Publications to do a map project for Mifflin Township similar to one done several years ago. They are in color now. She gave it to the Trustees for their consideration.

Mr. Spanovich said that at a previous meeting the Board was asked to consider a bonus for the Service Director, Police Chief and Code Enforcement Officer in the amount of \$1000/each. We do not usually give a bonus to a part-time employee but as Chief Pocock said, Mr. Blake works as a part-time Police Officer and part-time Code Enforcement Officer putting in a full day with no benefits.

Res. 33-07: Approve a Bonus for the Service Director, Police Chief and Code Enforcement Officer in the Amount of \$1000/Each

Mr. Angelou moved to approve a bonus for the Service Director, Calvin McKnight, the Police Chief, Michael Pocock and the Code Enforcement Officer, Steve Blake in the amount of \$1000/each at the discretion of the Board and funds permitting. Mr. Spanovich seconded. All voted yea. Motion carried.

Mr. Spanovich said the Board is in receipt of the following requests for approval from the Fire Department:

Res. 34-07: Approve Service Credit Bonuses for Firefighters Lord, Broskie, Stickler and Weidner as Presented

Mr. Angelou moved to approve service credit bonuses for Firefighters Mona Lord, Harold Broskie, Sheri Stickler and Jack Weidner in the amount of \$1100/each at the discretion of the Board and funds permitting as recommended by Chief DeConnick. Mr. Spanovich seconded. All voted yea. Motion carried.

Res. 35-07: Approve Technical Service-Support Agreement for Life-Pak 11 & 300 with Medtronic Physio-Control in the Amount of \$6225.00 Contingent on Appropriation of Funds with Fiscal Officer

Mr. Angelou moved to approve Purchase Request No. 02-01-07 for Technical Service-Support Agreement for the Life-Pak 11 & 300 with Medtronic Physio-Control in the amount of \$6225.00 contingent on appropriations of funds with Fiscal Officer as recommended by Chief DeConnick. Mr. Spanovich seconded. All voted yea. Motion carried.

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Res. 36-07: Approve EMS Supplies & Medication from Bound Tree Medical for a Total of \$4,376.28 Contingent on Appropriation of Funds with Fiscal Officer

Mr. Spanovich moved to approve Purchase Request No. 02-02-07 for EMS supplies and medication from Bound Tree Medical for a total of \$4,376.28 contingent on appropriation of funds with Fiscal Officer as recommended by Chief DeConnick. Mr. Angelou seconded. All voted yea. Motion carried.

Mr. Spanovich asked to hold Lt. Steve Engler's request to attend the EMS Today Expo Conference and Exposition Convention in Baltimore, Maryland for an estimated cost of \$1450 until the February 20, 2007 regular meeting. He said there is also a tuition assistance request for Deputy Chief Kauser in the amount of \$2685 and we need to take a very critical look at these types of expenses because we need to start restraining ourselves in our spending.

The Fiscal Officer said that at the Township Association Conference, she attended the session by the IRS regarding taxable fringe benefits of which cell phones, travel, tuition assistance and other such items should be taxable to the person receiving them. It was said that the IRS is now going around checking different entities and wanting to see what charges have been placed on cell phones and if they are all business calls and within the plan limits. Another item mentioned is the allowance for uniforms even though they are required for the job. She said this is a big topic among Fiscal Officers and she is trying to get more information on what we should be doing.

REPORTS OF DEPARTMENT HEADS

FIRE - Chief DeConnick said he is in receipt of a letter of resignation from Part-time Firefighter Vincent Bettinazzi effective February 14, 2007 as he has accepted a position at the Myrtle Beach Fire Department.

Res. 37-07: Accept Resignation of Part-time Firefighter Vincent Bettinazzi Per His Request Effective 2/14/07

Mr. Spanovich moved to accept the resignation of Part-time Firefighter Vincent Bettinazzi per his request as he has accepted another position out of state effective February 14, 2007 and recommended by Chief DeConnick. Mr. Angelou seconded. Motion carried.

After review, the Trustees agreed to approve Deputy Chief Kauser's Tuition Assistance request for Winter Quarter 2007 in the amount of \$2685.00 under our policy guidelines.

Res. 38-07: Approve Tuition Assistance Request of Deputy Chief Kauser for Winter Quarter 2007 in the Amount of \$2685.00 Under Policy Guidelines of One-half Now and the Remainder Due Upon Successful Completion

Mr. Spanovich moved to approve the Tuition Assistance request of Deputy Chief Kauser for Winter Quarter 2007 in the amount of \$2685.00 under our policy guidelines of paying one-half now and the remainder due upon successful completion as recommended by Chief DeConnick. Mr. Angelou seconded. All voted yea. Motion carried.

POLICE – Chief Pocock said that at a previous meeting it was discussed that the Police Department was in need of new MDT's for their vehicles as this was a safety issue. He received a quote from J. Evans & Associates for 4 General Dynamics Itronix Computers based on GSA Contract pricing. After discussion, the Trustees agreed to approve a cost of up to \$25,000 with the General Fund advancing the money to the Police Department.

Res. 39-07: Approve MDT Replacements for The Police Department Vehicles as Quoted by J. Evans & Associates for Four (4) Units for Up To \$25,000 Under The GSA Contract with an Advancement From The General Fund

Mr. Angelou moved to approve MDT replacements for the Police Department Vehicles as quoted by J. Evans & Associates for four (4) units for up to \$25,000 under the GSA Contract with an advancement from the General Fund as recommended by Chief Pocock. Mr. Spanovich seconded. All voted yea. Motion carried.

