

Village of Shawnee Hills Council Meeting

January 11, 2010

Mayor Monahan called the meeting to order at 7:00 p.m.

Council in attendance: Charlie Callender, Yvonne Clippinger, Mahesh Dalvi, Kris Garren and James Gauldin

Absent: Rich Vedell

Also Present: Fiscal Officer Shirley Roskoski, Solicitor Brian Zets, Administrator Ed Swanson and Engineer Mark Cameron

It was moved by Clippinger, seconded by Callender to approve the minutes of December 14, 2009 with the following amendments: correct the two spelling errors on page 5. Following vote on the motion was recorded: yea, 5; Callender, Clippinger, Dalvi, Garren and Gauldin. Nay, none. Chair declared the motion passed by a 5-0 vote.

It was moved by Garren, seconded by Dalvi to approve the agenda with the following amendments: add Resolution 02-2010 and Ordinance 01-2010. Following vote on the motion was recorded: yea, 5; Callender, Clippinger, Dalvi, Garren and Gauldin. Nay, none. Chair declared the motion passed by a 5-0 vote.

Election of President Pro Tempore of Council

Council member Clippinger said that each at the first Council meeting of the year we elect a President Pro Tempore for the year and she will open it up to Council for discussion. Council member Callender said that he would personally recommend Council member Clippinger again this year as she has done a good job the last couple of years and he thinks she should continue. Council member Garren seconded that motion. Council member Dalvi said he would agree with that. Following vote on the motion was recorded: yea, 5; Callender, Clippinger, Dalvi, Garren and Gauldin. Nay, none. Chair declared the motion passed by a 5-0 vote.

Solicitor

Brian Zets said that he has placed a call, left a message and also emailed Bill Owen, Delaware County Prosecutor, and he has not heard back from him. Mayor Monahan said he left a message with him also last Friday and told him that we were very disappointed that he did not follow through with the charges by the end of the year. He said he will talk to Dave Yost later on in the week. Brian said that he talked with the FOP attorney regarding the polygraph issue and he thinks the issues have sort of worked their way through. He said he did talk with Charles Warner from CW Design Group on the Yacht Club and their potential connection to the sanitary sewer system. Mr. Warner said that they fully understand that there has to be a lot of work completed before they can connect to our sewers. We have to talk to Columbus, we have to amend the service district. Brian said that we will have to be involved, the City of Columbus has to be involved, the Yacht Club will be involved. Once they get closer to a final engineering on how it will work they will be contacting us to get us involved in the process so that they can connect to our sewer system. Mayor Monahan said he wants to meet with Director Arsch before that happens. Brian said he worked last week on the commercial zoning and development standards that will be coming before Council. Brian said he talked to Attorney Paul Garinger and this is another issue for Council to take a look at. Before the holidays he told Council that Paul was asking for an additional ten hours of time. The oral argument for the Shawnee Associates litigation is set for February 9th, so Paul would have to get started preparing for this oral argument. Brian said he would like Council to make a decision on the additional ten hours. Paul said that this would be a hard cap. Council member Clippinger said she just wants to make sure that Council understands that Paul said he would

Village of Shawnee Hills Council

January 11, 2010

put a hard cap on it but if this went beyond he would have to come back to Council. Council member Dalvi asked what will Paul be doing with the additional ten hours. Brian said they are still in oral arguments before the Court of Appeals and that is what he is asking for, to prepare for and attend the oral arguments. The hard cap is what he needs to finish the appeal. If this is appealed further he will have to come back to Council for additional funds. Council member Clippinger made a motion to grant the ten hours for Paul Garinger, seconded by Dalvi. Following vote on the motion was recorded: yea, 5; Callender, Clippinger, Dalvi, Garren and Gauldin. Nay, none. Chair declared the motion passed by a 5-0 vote.

Village Engineer

Mark Cameron introduced himself to the new Council members. He said he normally does not attend most of the meetings unless there is something specifically that the Mayor and the Administrator ask him to present to Council.

Village Administrator

Ed Swanson said that last week it was brought to his attention by Concord Township's administrator that we were overloading our truck with salt. Concord had been telling us that the bucket that loads the salt held one ton when it actually holds two ton. We had some additional leaf springs added to the truck so that it can handle the load. We did receive something in writing saying what the appropriate weight is that the truck can handle now with the additional springs. Ed said that he and the Mayor met with some of the Delaware County employees regarding possible grants which seems pretty favorable. Ed said he and Shirley are meeting with Jim Danes on Monday about applying for those grants. He said he met with Jim Bowers to discuss the lots and Ed has three proposals from Jim regarding the lots that will be forwarded to the Finance Committee for review. Ed said he is still working out details with Larry Burchfield regarding East Osage Drive and Larry assuming temporary stewardship of a portion of this street near State Route 745. Ed said this road is in bad shape and nobody uses it, it is a bad place to get out of. Council member Dalvi asked what does it mean by assuming this stewardship. Mayor Monahan said the idea behind it is not to abandon a right of way but stub it off about 1/3 third of the way down from Dublin Road, have Larry make this area look good and Larry would have access from Dublin Road to his property. It would basically become a private drive. Ed said that the road will probably be eliminated when the intersection is improved. Ed said he is waiting for a bid to compare the red stamped sidewalk that exists on SR745 now to a standard concrete sidewalk. From a couple of phone calls that he has made the cost will be about 1/3 to half the cost of the red stamped sidewalk. Ed said he has given Council copies of the correspondence that he has had with Mark Cameron, Mark Mann, a traffic consultant specialist and ODOT. Everything that he is hearing is that ODOT will not approve a 15 mile per hour speed limit without a traffic study. The traffic study is very expensive and even if we do the traffic study we will not get approval for the 15 mile per hour speed limit in the Village. Mayor Monahan said the legislation on the agenda tonight, Ordinance 31-2009 was to go ahead and change Shawnee Trail to 25 miles per hour with the idea of watching it for six months to see what the impact of this is. He said he will guarantee that the Police will be ticketing up above the 25, it will probably be at 28. Right now if somebody gets ticketed we will have a constant fight because of the 15. Council member Garren said she had a question: when you said they wouldn't approve it, she is not sure she is following this. Ed said right now it appears that the speed limit in the Village has to be ODOT approved. Council member Garren said that the speed limit has to be ODOT approved for us to be able to give tickets and we currently have the speed set at 15 but it is not officially ODOT approved. Mayor Monahan said it would have to be approved by ODOT to

Village of Shawnee Hills Council

January 11, 2010

make the 15 a legal speed limit, 25 is approved by ODOT. Council member Gauldin said this is what the argument is about, there's still some legal, maybe Brian will bring up to change the opinion one way or another but he thinks the question is, can you effectively enforce a 15 mile per hour limit on something that is not an alley way but is considered a residential road. Council member Dalvi asked if we are trying to move the speed limit to 25 or trying to keep the speed at 15 and make sure it is enforceable. Mayor Monahan said 25. Council member Dalvi said that we can go to 25 without any problem. Council member Gauldin said that the speed limits are set by the Ohio Revised Code that is where the 25 mph is coming from. Mayor Monahan said that we priced out the equipment to do this and it was about a \$5,000.00 piece of equipment that you would set up and record what the speeds were and we also priced out what it would take per street to do the study and it was about \$2,000.00 per street if we did multiple streets. The idea behind this originally was, and this is a very old discussion, to change this with the understanding that at the end of six months if figures don't prove out and we want to go back to 15mph that's alright. If we ticket someone at the 15mph and if they chose to fight it, we will lose each time. Council member Dalvi said, just to clarify, if we move from 15 to 25, is there a cost to do that. Ed said there is a cost involved in changing the signs. Council member Callender said his thinking about this ordinance he goes back why just Shawnee Trail, he thinks we should do the whole Village if we are going to do it. Mayor Monahan said after receiving the petition to change the speed limit on Shawnee Trail, he sponsored it, took it to Safety and they agreed to it and effectively he would have added Buckeye Drive to the ordinance. He said this gives us the chance to watch the impact of it and effectively if we look at the information and say whether or not to change all the streets to 25 or just some of them. Council member Dalvi asked what the metrics would be based on. Mayor Monahan said the tickets. He said we also have a situation here in the Village. It is very hard on most streets to sit and clock. You can clock probably on Shawnee Trail, on Buckeye and possibly on Westview. Council member Dalvi said he understands the Shawnee Trail issue but living on E. Pawnee which is downhill and a bunch of teenagers flying around, they actually fly on the feeder streets to Shawnee Trail and take a sharp turn which is not only dangerous to themselves but to everyone else. He agrees with what Council member Callender said about changing the whole Village to 25 and that is something that we can take a look at down the road. Council member Gauldin said one thing that you have to consider, and he has been thrashing this around, there is the function of home rule, and that kind of where there is an argument, if you boil it all down, it comes down to the residents on the Trail want the speed to be governed so that there is not a chance of accidents and the feeling is, and he may misstate this, is that by raising the limit we can then do a more effective job of enforcing the limit by writing tickets when they are needed. His problem is if you look at the logic of the whole situation and you say you don't want to raise the rest of the speed limits in the Village to meet the Trail, but you are agreeing that you are raising the Trail because you can't write a ticket, the logic fails, you have to raise the rest of the limits in the Village to 25 and at that point we have conceded that we do not have home rule on that and that's where it comes down, to him at least, from a legal standpoint, he would like to hear one way or another do we have home rule or not and that has kind of been one of his points when the discussion was brought forth. Brian Zets said he could not give us a definitive answer. Someone could challenge it and you would be in for a fight, you could win that fight or you might not. Council member Garren said let me play devil's advocate for a minute. Let's say we ticket someone going 20 mph in a 15 mph zone and they decide to contest this ticket. The impact to that is the cost to Shawnee Hills is to have to pay for legal counsel and how bad could that get. Could we just say as a community that we are going to drop it, if they are going to contest it then we won't pursue it, but we are going to continue to write tickets? Brian said he thinks word would get out pretty fast. Council member Dalvi said the other challenge we have is that if we cannot do it for 15 if you are driving 20,

Village of Shawnee Hills Council

January 11, 2010

that would mean that I could drive 100 mph and you could still not ticket me because I could fight that in court. Ed Swanson said you could be cited for reckless operation not speed. Mayor Monahan said if it is posted at 25 there is no question. He said he has been involved in this discussion for six years and one of the reasons for this was to look at Shawnee Trail and see to see if that did have the impact that we want. He totally agrees, when he lived on E. Cherokee people came shooting down that street and downhill just adds to the thrill. He said he is not adverse to taking a look at this in three months and say this is working or it is not working, but he does not want to go ahead and repost the whole Village. Council member Garren said she does not want to repost the whole Village. She asked if there was a place on Shawnee Trail to be able to sit and monitor the traffic. Officer Venrick said there were a few places on the Trail. Council member Dalvi said he thinks we are losing the key point that he made, it is not about tickets, it is about safety and he just wants to make sure it is not about the number of tickets that can be written, we would be sitting here mourning someone's death and then doing something, he does not want to be in that situation. He has a 14 year old son that walks down that street to go to the bus stop every morning and it does matter to him and it does matter to 15 kids that stand there every morning at 7:45 and then walk that street at 3:30. He thinks that should be the criteria, not the number of tickets and all that other stuff. Council member Garren said that is absolutely correct, her only concern is safety and she likes the 15 mph speed limit. She likes that that is what is in the Village and that is her personal preference but our dilemma is the enforcement of it. Council member Gauldin asked the Village Engineer, if in his opinion, if you see a police officer shooting radar in a marked cruiser in someone's driveway, do you not slow down when you see that and the second thing, in that big thick thousand page booklet that ODOT puts out that tells you how to do a study, does it not sort of indicate in there that the study should be done in an open type area where traffic is allowed to flow and then you measure that flow to see what the 85th percentile runs and that governs what that speed can be within a ten mile per hour zone. His question is the intent of how that study is conducted is not by an officer sitting there but a study of the speed of the traffic flow. Would it be, in your opinion, that using an officer to do that type of study, which is what we are claiming that we are thinking about doing, might give us skewed results. Ed Swanson said we are not talking about the police doing this. Council member Gauldin said he just heard somebody say that we are going to run radar for six months down there at a 25 mph zone and determine whether or not we need to continue to leave it at 25. He said if we do a study and we do it outside of what is suggested by Ohio are we really getting the results we need and that is what he is curious about. Mark Cameron said as far as the actual full traffic study utilizing police records is not going to be the only tool that you want to use, no, is it going to be helpful, it is going to be drastically helpful in pleading your case. You have two sides to this, one is the legal side, it's a fine line in this process and he will not step over it, that is what your legal counsel is for, he looks at it purely from, in this case, only this particular road because that is what they were asked, you have statements in the Ohio Revised Code, whether they are legal or not, whether they apply to this Village or not, he looks at what is the warrant process, who's got responsibility to grant the warrant and what are they typically going to look at when you request that and normally he does not know of anytime that ODOT has granted a 15mph posted speed limit. Council member Gauldin said that's fine, he is just wondering that during this period of time that we are analyzing things that happen over the six month period and we are using the police reports to do that analysis, is that a fair assessment for leaving a road or making a change or maybe for us, in your opinion, to pursue a study. Mark Cameron said he believes that this is a good tool to help the Village take the next step to determine whether you go forward and meet the requirements to request a warrant.

Village of Shawnee Hills Council

January 11, 2010

Ed said that he is still working on getting the work finalized at the Shawnee Square Shopping Center. He talked to Brian Zets and Eric Burden about it today. Hopefully we will have a resolution soon and the last part is the parking lot and one sign.

Ed said that he and Shirley met with Tim Suter from First Energy, who is affiliated with Ohio Edison. First Energy does the distribution of the electricity. Tim came to us and said that he is going around to the different communities and they are offering a program where they can offer the Village residential customers a 6.15% savings per year on their electric bill and 4% to the commercial businesses. A onetime grant of \$25,000.00 will be issued to the Village to be used on anything that we want to; this would be a nine year commitment, every three years it is renewable. At that time any customer can opt out for free and a customer can opt out at anytime for a \$25.00 fee. All of this must be done in the form of an ordinance and it has to be placed on the ballot for the residents to vote on. Council member Dalvi said this is in regards to deregulation and it dumps off the buying to the Village. Ed said this is an opt out aggregation program and Tim will be here at the next meeting to explain this program. Ed said that the residents will save money and the village will receive \$25,000.00 if we have 200 or more residents that stay in the program. Ed said we have about 315 residents and businesses and generally 10 to 20 percent don't sign up. It's possible that someone else could come in during that nine year period and offer a better rate and we would be committed to this.

Visitors

Jim Jenkins, 9494 Shawnee Trail, said he wanted to thank the Village of Shawnee Hills for their great snow removal and for some of the officers that offered to assist his wife in shoveling snow. Maybe that is not their official duty but it is a nice gesture. Jim said that he lived in Arlington for 23 years, he grew up in Cleveland, moved to Arlington and is working on 24 years here in the Village. He is almost 74 years old and he doesn't think he will live long enough to see the speed limit change, the way things are going. He would like to. The only difference between a dog getting killed on the road and a child getting killed on the road is nothing. There is not a difference. A child is a child, it is someone's child. The dog could be a wild dog, nobody cares. He sees kids on our street all the time and they are out riding their bikes, there are no sidewalks and Shawnee Trail is a perfect bypass for those people that just have to shave a few seconds off their trip home or wherever they are going. The other streets aren't quite so bad, people line up on Glick on their way home and you see the traffic and they say oh, I will just go on Shawnee Trail and its wide open; I will just nail it through here. They don't see the 15 mph speed limit. He said several of them got to talking and thought what could they do to slow these people down and hopefully preclude any accident. If we can't ticket the speeders at a posted 15mph speed what can we do? The first thing he thought of was let's make it an alley, but that is not the right thing to do, so then speed bumps were discussed and Mark Katzenbach said that is not good because they are too hard to plow snow over. He then thought that we used to have 25 mph speed limits posted in the Village, we can just put the signs back up, but those signs have been thrown away. Jim said that he went ahead and got a petition together and got nineteen signatures who would like to see the speed limit changed to something that is enforceable. Something needs to be done, whether you put a stop sign at every cross road or side street or even block off Shawnee Trail during rush hour so that no one can go north bound during this time. He said he knows the Police can't do anything, why even bother to stop anyone if they cannot issue them a ticket, the most they can do is get them for reckless op or a taillight out. Jim said he is worried about the kids getting hurt or severely injured.

Village of Shawnee Hills Council

January 11, 2010

Communications

Mayor Monahan gave the following report:

I received thanks for our police from Jim Jenkins on Shawnee trail:

This morning, Thursday Dec 31, 2009, my wife Jane decided to "shovel a path" in the snow that covered our driveway so that she could take our small pooch, Ms. Lizzie, for a walk.

As she began shoveling, a Shawnee Hills Police cruiser pulled to a stop and the officer (name unknown) got out of the vehicle and approached her.

About this time she was thinking "Oh Oh, now what did I do to get into trouble ??? "

and then - get this - the officer asked my wife if he could help her shovel the snow !!!

WOW !! DOUBLE WOW !!

Only in Shawnee Hills!! Great place to live!!

Y'All - Have a great evening and a super 2010.

OL'JJ, Jane (and Ms. Lizzie)

Mayor's Report

Mayor Monahan gave the following report:

MAYOR'S COURT REPORT

NOVEMBER, 2009

\$2,200.00 BALANCE BROUGHT FORWARD

DEPOSITS:

2,200.00 TRAFFIC RECEIPTS

2,200.00 TOTAL RECEIPTS

DISBURSEMENTS:

196.50 TREASURER OF STATE

160.00 VILLAGE: COMPUTER FUND

1,806.50 GENERAL FUND

2,163.00 TOTAL DISBURSEMENTS

2,200.00 BALANCE BROUGHT FORWARD

- 2,163.00 DISBURSEMENTS

37.00 MAINTAINED BALANCE IN CHECKING

RESPECTFULLY SUBMITTED,

JOYCE A. ARMSTRONG, MAYOR'S COURT CLERK

To prepare a State of the Village statement I went back and looked at the closing balances for 2008 and 2009 they were:

12-31-08 = \$ 95,237.06

12-31-09 = \$162,815.84

The State of the Village is good due to a collective effort of great work.

We have been able to clean up a number of areas thanks to our Code Enforcement, the residents and the merchants!

This past year we sponsored 2 clean up Dumpster weekends and a Chipper Day for the removal of waste in our Village.

We obtained the second largest grant the Village has ever received and completed a large street project.

Village of Shawnee Hills Council

January 11, 2010

We obtained a second grant to work with our sidewalk project for this spring making the intersections (American Disabilities Act)

We worked to obtain a third grant for drainage issues.

We worked with two different developers and you can expect to see more new housing and Neighborhood Commercial development this year.

We continued to work with Dublin and ODOT in an attempt to get the intersection at Glick and Dublin roads prioritized for upgrade.

The Commercial Area Plan has been re-written and will be presented to P+Z tomorrow and Council on Monday the 18th. It has been reviewed by the Business Advisory Committee and Legal.

In 2009 we worked with the Chamber and Civic on the Dam Jam 2009 which was a great event.

We also honored our Veterans November the 14th and in cooperation with the Chamber and Civic had a second annual tree lighting on December the 12th.

We finished the year within budget for our Legal and Engineering expenses.

Many thanks to all through a cooperative effort have helped make our Village even better.

Both the ABR Chairman and I received resignations for obvious reasons from two of our new Council Members, Kris Garren and Jim Gauldin.

I want to thank both Kris and Jim for their service to the Village on ABR and look forward to working with all of you on Council.

We have two openings on ABR, 1 as an ABR member and the other as the ABR alternate vacated when Bobbi Jo Cea moves to an ABR member.

Mayor Monahan made a motion to appoint Bobbi Jo Cea to the ABR. Seconded by Gauldin. Following vote on the motion was recorded: yea, 5; Callender, Clippinger, Dalvi, Garren and Gauldin. Nay, none. Chair declared the motion passed by a 5-0 vote.

I did furnish a name of another potential ABR Member to Rob Miller. More to come on this!

To fill the vacancy created by Stacy McVan's resignation for work and family obligation reasons I am appointing Dan Boggess of 4349 Westview with your confirmation.

I have asked Dan to address Council. Dan Boggess said he has lived in the Village for about 1 ½ years. He said he is here because he wrote an email with a couple of concerns and wanted to get more involved and the Mayor has been gracious enough to ask him to take part. It was moved by Dalvi, seconded by Clippinger to appoint Dan Boggess to the Planning and Zoning Commission. Following vote on the motion was recorded: yea, 5; Callender, Clippinger, Dalvi, Garren and Gauldin. Nay, none. Chair declared the motion passed by a 5-0 vote.

The last candidate for Police Chief has been removed from the screening process. I want to thank the committee for all of the work they put in. I have asked Shirley to post the Police Chief opening for a period of at least 3 weeks.

Village of Shawnee Hills Council

January 11, 2010

I will ask for your help with Resolution 01-2010 tonight an Emergency Resolution to temporarily hire Sean LeFever for 32 hours per week. That will help bring our Police coverage up within 8 hours a week as it is budgeted.

I want to thank Ed and Mark for the quick actions to rectify the salt truck overloading issue. A special thanks to Mark for his many hours keeping our roads safe.

You received a copy of the Council, ABR, P+Z and BZA mtg. schedule for 2010.

Tomorrow evening at 7PM in the Village office is a January P+Z mtg. to hear the request for the Priestino Property and review the new Commercial Area Plan.

Ed and I met with Gus Comstock, Economic Development Director for Delaware County, Dottie Brown and Todd Hanks, Delaware County Commissioner, today and discussed what help they could give us to make this southwest gateway to Delaware County. They can do a lot of things regarding ADA compliance and Chris Bauserman, the County Engineer will get involved if there is any roadwork to be done. He said that the Zoo will be putting a hotel in and he thinks Shawnee Hills has a chance to really gain from that particular thing. We would like them to participate in putting new lighting on our new sidewalks as we get them in, also work with us on crosswalks and we will be coming to them looking to do the right thing on Glick Road and even if we are the first ones to take the step to try to get a left hand turn lane in possibly a bicycle path, lighting, let's make it a good entrance to the Village coming in. Mayor Monahan said he thinks we got their attention and he thought it was a very good meeting and will continue to dialog with them.

Mayor Monahan asked Council if they would be willing to do a 9 to 1 planning session on Saturday, February 6th. He said what he would like to do is to take a look at the kinds of things that we want to work on, how we make things better rather than spring things on you.

President Pro Tempore Report

Council member Clippinger said thank you again for the opportunity to serve you again as your President Pro Tempore of Council. Just to let you all know, at the next meeting she will be making committee appointments and would like all Council members to please let her know which committees they would be interested in serving on. The standing committees are Finance, Service, Safety, Utilities and Rules. We also need to elect two Council members to sit on the Delaware County Regional Planning Commission as a representative and as an alternate to that commission. These meetings are held once a month in Delaware. She will be relinquishing her seat as the Shawnee Hills representative to the commission this year as she has served on that board for the last two years and feels that it's time to let others take over that role. Also just during the coming year she would like to ask Council to start looking at maybe standardizing some protocol for the Village. We really should be looking at forms prepared specifically for zoning, BZA, ABR, etc. to be sure that they are being implemented on a standardized basis and we should also be looking at the job descriptions, the employee review forms and standardizing procedures for hiring in the Village and she believes that would probably go in our employee manuals. We would be looking again at the employee manual. This may fall under a special committee which would be appointed by the Pro Tem for a set period of time that would need Council's approval, so if any of you are interested in that type of work please let her know that as well. Council member Clippinger said that we are currently in the need of someone from the community to serve on the Board of Zoning Appeals, appointment to the Board is made by Council and each member

Village of Shawnee Hills Council

January 11, 2010

serves a three year term. She said thanks everyone and she is looking forward to a productive year.

Mayor Monahan asked Council member Clippinger if she would fill the vacancy on Planning and Zoning left by former Council member Scott Love. She said she would unless someone else wants to do it.

It was moved by Clippinger, seconded by Garren to break for ten minutes. Following vote on the motion was recorded: yea, 5; Callender, Clippinger, Dalvi, Garren and Gauldin. Nay, none. Chair declared the motion passed by a 5-0 vote.

It was moved by Clippinger, seconded by Callender to reconvene. Following vote on the motion was recorded: yea, 5; Callender, Clippinger, Dalvi, Garren and Gauldin. Nay, none. Chair declared the motion passed by a 5-0 vote.

Legislative Actions

Second Reading- Public Hearing- Ordinance 32-2009 – An Ordinance to Alter, Extend and/or change thirteen existing conforming lots currently owned by Legacy Design LLC and amend the zoning map, rezoning +/- 2.041 acres. Present from Legacy Design LLC are Mike Wyotec, Barry Thompson and Robert Thompson. Robert Thompson said he thinks the application is pretty self explanatory from what you have seen before. It is basically to split the lots, that is the focus, it is not to change the zoning as it is currently Neighborhood Commercial and R2 residential. There is a long awkward commercial lot that extends from east to west from Dublin Road to the unimproved section of Hillcrest Drive. We feel that it would be more efficient for us and for the Village if we were to re-split it so that it is five tracts of land. To the west is four contiguous residential lots, three of them are at 14,701 square feet and the fourth lot is 14,778 square feet so they adhere to the 14,700 square foot standard for a lot. The commercial lot on Dublin Road is 30,041 square feet. It surpasses the 15,750 square feet requirement and it is similar in depth to other commercial properties along Dublin Road. The intention is to just make it more efficient to fully develop the site and integrate it with the neighborhood. He said that is what they are after here. Mayor Monahan this is the land across from the Village office. He showed Council the depth of the present commercial zoning. Mayor Monahan said this came through Planning and Zoning back in December and effectively it was very palatable they way it was done. Their plans in the future are to build four very energy efficient homes and a commercial building along Dublin Road. He thinks this is an extremely good use of the land. Council member Dalvi asked if the ingress/egress from Dublin Road for the commercial building had been clarified yet. Robert said they are at the beginning of working on those plans, his preference is to get the access as far away from the intersection of Dublin Road and Reindeer as possible, he thinks it is better for the building and its better for the neighborhood. He said they do not want to create some kind of a log jam where it is hard to get in and out. The access will probably be from West Reindeer towards the back of the commercial lot away from Dublin Road and another access probably on Dublin Road towards the unimproved West Wyandotte.

Council member Gauldin said as he is looking at the zoning map and what they are proposing for the Neighborhood Commercial area actually goes one lot deeper than the rest of the Neighborhood Commercial area coverage. Is that true? Robert said he cannot swear to that as he has not looked at all of the commercial lots but he does believe that the Village has some other commercial lots along that strip that do go that deep. He is not sure what the percentages are, he does know that some are one lot shallower but he does believe we have other commercial lots that go that deep. Council member Gauldin said the only reason he brings that up is that Council in the past has talked about that corridor plan and what the past

Village of Shawnee Hills Council

January 11, 2010

Council may or may not like to see happen, that depth has changed on and off again and I understand that right now the Village building is on the Reindeer side but on the Wyandotte side there are homes up through there so suddenly this neighborhood commercial piece of land points to some lots and his concern is how those residential houses see that back area. Robert said from looking at the sites on site plans and also satellite photographs, the houses that are further back on W. Parkside he does not believe that they are even facing these lots. Their plans do not depend on using the W. Wyandotte Drive right of way. They will be within the setbacks and within the right of way lines including the parking lot and he is aware of the 5 foot setback for that.

Mayor Monahan said that he would like to ask Council that if there is a problem at the first or second reading, we raise it rather than wait until the third reading and kind of drive a stake through the heart. He said these folks have been very cooperative and if there is anything we want them to change or look at we can get them to do it, but one thing I hope we do not do is we take the time out of respect, it doesn't mean we have to vote for it or we have to like it, but effectively if there is an objection, say the objection up front so that we can give the applicant time to address it rather than kill something and have to start back through.

Second Reading- Resolution 33-2009 – Amended – A Resolution authorizing the Mayor and the Fiscal officer to enter into a contract with the Delaware Soil and Water Conservation District for Certain Public Information and Participation Programs/Services required under the Village Storm Water Management Plan. Mayor Monahan said this happens every year; it is kind of a housekeeping thing that has to be done to be in compliance with the EPA requirements. Council member Gauldin said that item 3 in the contract under compensation, they talk about a check and balance where they let our Village Administrator know a couple of things that are happening but they don't seem to say that they are estimating the rest of what their contract will be, that is to say they could possibly provide a couple of services and by the time that maybe they got to a third or fourth service they could be out of time and money and then we would get charged \$40.00 an hour for any additional time that they would apply. He said he is just curious, can we somehow lock this in so we don't have an issue money wise. Shirley said that they went over their hours last year and they did not charge us for that. It has to be upon agreement of both parties before the additional work is done and charged for.

First Reading- Resolution 01-2010 – Sponsored by Mayor Monahan – A Resolution confirming the Mayor's Appointment to hire Sean Lefever as a Part Time Police Officer on a temporary basis for the Village of Shawnee Hills, Ohio and declaring an Emergency. Mayor Monahan said that when Mark Colburn left as Chief he should have done a double move and covered the 40 hour vacant spot. This will bring us within 8 hours of our budgeted amount for the police right now. We are struggling to fill our roles every time we put our schedule together. Mayor Monahan said that Sean is writing a firearms policy and he is in the process of working on a records policy and an evidence type of policy. Council member Gauldin asked when did the last Chief leave? Mayor Monahan said our last Chief left in June of 2009. We appointed Erin Cullen as our acting Chief, we ran through an extensive screening committee, which quite honestly he probably won't go through that the same way again because of the amount of time and effort it took. We came down to one last candidate and that last candidate has chosen not to fulfill one of the requirements we had and as of last Wednesday at midnight he declared him no longer a candidate and we have opened again for this. What this does, it places us in a position where we can cover our hours,. This is no reflection on Erin, he assumes that Erin will continue as the Acting Chief but he will be going back to the second in command slot following our appointment

Village of Shawnee Hills Council

January 11, 2010

of a Chief. Council member Gauldin asked since June of last year how have we covered these hours up to now and he is using that as leverage to wonder why this is an emergency, can we not do the same thing for two more readings. Mayor Monahan said we passed some legislation so that we could use our auxiliary units and pay them to cover some shifts, but one of our part time officers is on leave and we are going to have to force the point on whether or not he is coming back from leave. What this will do is give us the coverage we need at this time. Council member Gauldin asked if Sean's rank will change or does he need a change in rank to do this. Mayor Monahan said that Sean has been promoted to Sergeant. Council member Gauldin asked if we had a standing promotions list that we pick from and is he in it at the top or do we know that. Mayor Monahan said this is a department promotion, he runs the department and works with the officers and he recommended Sean for this promotion. Council member Gauldin asked if we had the proper equipment available for him now. Mayor Monahan said we just have to get him a Sergeant badge. It was moved by Clippinger, seconded by Dalvi that the rule requiring readings on three separate days be suspended and this resolution shall pass on its first reading. Following vote on the motion was recorded: yea, 5; Callender, Clippinger, Dalvi, Garren and Gauldin. Nay, none. Chair declared the motion passed by a 5-0 vote. It was moved by Clippinger, seconded by Dalvi to pass Resolution 01-2010. Following vote on the motion was recorded: yea, 5; Callender, Clippinger, Dalvi, Garren and Gauldin. Nay, none. Chair declared Resolution 01-2010 passed by a 5-0 vote.

Mayor Monahan said after all the discussion; we have a tabled Ordinance 31-2009. President Pro Tempore Clippinger asked what's the pleasure of Council for the 25 mph speed limit. This was tabled at the last council meeting and we were at the third reading so if we bring this off the table we will be voting on it yea or nay. Council member Callender said his personal opinion until Council member Vedell is here he would like to keep it tabled. Council member Gauldin said his opinion is it seems to him that we are still out on legal counsel on this. There seems to be this home rule idea that you can write off of the 15 mph speed limit. He said he would love to have something that says look here's how it is. His question would be would ten more hours of digging find us something more or are we just shooting blind. Brian Zets said you are not going to get a definitive answer of whether this is exactly what you can do because the initial research that he did, that Eric did, you are in murky water of exactly what there is. There is something to suggest home rule may have some effect, ODOT is pretty stern, they are saying no you cannot. You are going to get one of those great legal opinions that say here's why I think you can but be mindful here's all the reasons why you might not be able to do that. Mayor Monahan said that he put this together based on when Jim had been talking to me, many emails and many different times and effectively when the petition came in he took it to safety and safety acknowledged they wanted to do that and then it was discussed to do the whole Village. Mayor Monahan suggested that this go back to the new Safety Committee and come back with language that they are comfortable with. He is not comfortable continuing to spend legal money on the thing because he will guarantee you that we will swim in these murky waters forever so he just wants to hear what Council wants.

First Reading – Resolution 02-2010 – A Resolution Authorizing the Mayor and the Fiscal Officer to enter into a contract with Sands Decker CPS, LLC for Engineering Services. Mayor Monahan said that Sands Decker has been our Village Engineer and this is the resolution to renew their contract. Council member Callender asked if anything was changing, like the price, on this contract from the last one. Shirley said the pricing is staying the same. Mayor Monahan said that we have kept the cost down both on legal and engineering work and Sands Decker works with us very well on that. Council member Dalvi asked what the annual budget was for the engineer. Shirley said from the general fund it is

Village of Shawnee Hills Council

January 11, 2010

\$15,000.00, and then there is another amount from the street fund. Council member Gauldin asked the Mayor and the previous Council members if they were happy with the service so far. Both Council members Clippinger and Callender said they are. Council member Callender said he has been on the Service Committee and worked with Sands Decker and they do very good work. Council member Dalvi asked who works mostly with the engineer. Everyone said Ed does. Mayor Monahan said he will have them come to a Council meeting and give a report to us if they are working on a project for us. Ed Swanson said they do a great job and he enjoys working with them.

First Reading- Ordinance 01-2010 – An Ordinance authorizing all actions necessary to affect a Governmental Electricity Aggregation Program with opt-out provisions pursuant to Section 4928.20 Ohio Revised Code, directing the Delaware County Board of Elections to submit a Ballot Question to the Electors; and Declaring an Emergency. Mayor Monahan said it would be worthwhile for the Utilities Committee to take a look at this.

Approval of the Bills

It was moved by Callender, seconded by Clippinger to pay the bills in the amount of \$152,996.72. Following vote on the motion was recorded: yea, 5; Callender, Clippinger, Dalvi, Garren and Gauldin. Nay, none. Chair declared the motion passed by a 5-0 vote.

Treasurer's Report

It was moved by Garren, seconded by Gauldin to approve the following treasurer's report: General Fund 170,303.93, Street Fund 22,620.71, State Highway Fund 2,709.28, Enforcement and Education Fund 1,560.00, Computer Fund 8,615.71, Fire Fund 31,623.31, Weed Fund 5,309.85, TIF Fund 73,196.01, Veterans Memorial Fund 1,260.00, Building Expansion Fund 700.00, Capital Projects Fund 1,223.84, Sewer Operating Fund 26,662.53, Sewer Replacement Fund 10,000.00, Storm Sewer Fund 4,452.01, Enterprise Debt Service fund 7,751.98, Enterprise Debt Service Reserve Fund 78,118.90 for a total of \$446,108.06. following vote on the motion was recorded: yea, 5; Callender, Clippinger, Dalvi, Garren and Gauldin. Nay, none. Chair declared the motion passed by a 5-0 vote.

Executive Session

It was moved by Clippinger, seconded by Callender to adjourn from regular session and move into executive session to discuss pending litigation. Following vote on the motion was recorded: yea, 5; Callender, Clippinger, Dalvi, Garren and Gauldin. Nay, none. Chair declared the motion passed by a 5-0 vote.

It was moved by Clippinger, seconded by Garren to adjourn from executive session and move back into regular session. Following vote on the motion was recorded: yea, 5; Callender, Clippinger, Dalvi, Garren and Gauldin. Nay, none. Chair declared the motion passed by a 5-0 vote.

Miscellaneous Business

Council member Clippinger said that she wanted to let the new Council members know that the Ohio Municipal League does a really good workshop for new council members and the schedule should be coming out pretty soon. Brian Zets said it is very good and he recommends it also.

Council member Gauldin said since we purchased new radars do the officers need training on them since they are a different unit. Mayor Monahan said they have all

Village of Shawnee Hills Council

January 11, 2010

been certified on the new units. He then asked about the salt spreader and the cost to take that in and out of the truck. Shirley said that we use a towing company to take it on and off the truck and it costs \$150.00 each time. Council member Gauldin said he has had a couple of residents ask him what his opinion was on someone having a sign in their front yard on Shawnee Trail that says something about snow plowing and a POD sitting in someone else's yard that has been there a long time. Mayor Monahan said these items have been brought to the attention of our Code Enforcement Officer.

There being no further business, it was moved by Callender, seconded by Clippinger to adjourn until January 18, 2010. Following vote on the motion was recorded: yea, 5; Callender, Clippinger, Dalvi, Garren and Gauldin. Nay, none. Chair declared the meeting adjourned at 9:10 p.m.

Fiscal Officer

Mayor