

Village of Shawnee Hills Council Meeting

February 8, 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: Richard Vedell

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

Note: Mahesh Dalvi arrived at 7:15 p.m.

It was moved by Gauldin, seconded by Callender to approve the minutes of January 25, 2010 with the following amendments: capitalize the word Council on page 7 and change the last sentence under visitors on page 7 to read: He suggested that he and Council member Gauldin meet with Kelly O'Brien and Patty Anderson to discuss this further. Following vote on the motion was recorded: yea 4, Callender, Clippinger, Gauldin and Garren. Nay, none. Chair declared the motion passed by a 4-0 vote.

It was moved by Garren, seconded by Callender to approve the agenda with the following amendments: move the reading of Ordinance 01-2010 to the end of legislative readings and move Ordinances 03-2010, 04-2010, 05-2010 and 06-2010 right before Ordinance 01-2010. Following vote on the motion was recorded: yea 4; Callender, Clippinger, Gauldin and Garren. Nay, none. Chair declared the motion passed by a 4-0 vote.

Solicitor

Brian Zets informed Council that the oral arguments for the Shawnee Associates litigation are scheduled for tomorrow. Brian said he does not know how long the Court of Appeals will take to make a decision, it could come quickly or it could not come quickly. He said he worked on some more public records issues with Shirley and the Priestino rezoning ordinance which is before Council tonight. Brian informed Council that he would not be able to attend the next Council meeting as he was going to be out of town, so if you have any specific questions about the Priestino rezoning he would be able to answer them tonight. He said he can have someone else come to the next Council meeting to fill in for him since we will have the public hearing on this rezoning. Mayor Monahan said he noticed that the wording that was added this time is that the existing structures needed to be removed by the developer. Brian said that is the only change that was made to this ordinance as compared to the previous ones. Brian said he talked to Priestino's legal counsel and he said that the language was fine with him and the Priestino's.

Village Administrator

Ed Swanson said that all the issues at the Shawnee Square Shopping Center have been resolved except for the paving of the parking lot. Mark Katzenbach had a lot to do with getting this accomplished; he worked with them pretty much on a daily basis. We do have a letter from Mary Williston, who is the property owner, stating that by May 10th 2010 the blacktop will be repaired. If for some reason the parking lot does not get blacktopped, the case was dismissed without prejudice which gives us the right to come back and take them back to court for the blacktop. Ed informed Council that we did get final grant approval from Delaware County Economic Development for the ADA ramps for the sidewalks that we want to install this year. This is a grant in the amount of \$25,000.00. He said he will let the chairperson of the Utilities Committee talk about the electric energy aggregation program proposal to go on the ballot. Tim Suter from First Energy is here again to answer any questions you may have.

Council member Clippinger said that she wanted to bring up something that she read in the Columbus Dispatch and she has brought this issue up before, that they are looking at an anti pollution plan to ban idling and the short version of this is: Central Ohio faces tougher federal regulations on smog and the Ohio Environmental Council and MORPC are working together to propose that Columbus and its suburbs outlaw idling vehicles and this would be like a personal car sitting in someone's driveway. New air quality standards put in place in January would place 32 counties in Ohio in violation of smog standards and Delaware County is part of that. She said she just wanted to bring that to your attention so that you knew what was going on; they are working with MORPC to look at this. She said what they are saying is that the ordinance would make idling for more than five minutes a minor misdemeanor carrying a fine of as much as \$150.00. The reason she is bringing this up is that we, as a Village need to look at the idling of our vehicles. She said when she looks at the BP bill in January and it is \$1,102.85 of that the Police Department is 643.14 and the truck is 459.00 and she has seen the truck idling for more than 5 minutes and she just wanted to bring that to everyone's attention and if we can work together to get people to think in those terms, it's not just to save money, it is for the environment as well. Maybe we can get out on the proactive end of this instead of the other end. Mayor Monahan asked if the toughbooks in the cruisers would run off the battery if the cars were shut off. Officer Cullen said that they would but they would only last about five minutes. There is a lot of battery draw because of the radios. He said generally if the cars are in front of the office they should not be idling but if the officers are running radar the cars will be idling at that time. Council member Clippinger said that she remembers that conversation when she brought this up before and she thinks they might be looking at police cruisers differently.

Mayor Monahan said that since Council member Dalvi is present he asked if Council would have a problem restoring the agenda back to its original order. That way Tim Suter would be able to leave earlier. Council concurred.

Communications

Mayor Monahan gave the following report:

There is a MORPC (Mid Ohio Regional Planning Commission) State of the Region Luncheon on Tuesday May 4th. I will give this to Shirley if anyone would like to attend.

We received our membership 2010 badge from the Shawnee Hills Chamber plaque. I'll give it to Shirley to add to our plaque. I look forward to the Village working with the Chamber this year and especially on the Dam Jam 2010!

I checked with Chamber President John Piccin and the plaque for the South entrance rock will be here the end of Feb. probably when the weather is good in spring the Dam entrance rock will need a power washing. Hopefully prior to the tournament.

I received a shipping notice from FedEx and it appears to be for our 2010 Census materials. What are the next steps? Shirley said that was for the Village to verify our boundaries and she had the Mayor sign the paperwork tonight before the meeting. She said she has been working on this along with the County's GIS department.

I have a list of the scheduled state Legislative Committee mtg. for this week if anyone is interested. It will be in the office.

I received a list of some issues for consideration by Council from Carol Kender at the bakery and he would like to ask that the Service Committee look at this and see what they think:

A Village wide trash collection that includes recycling funded by a subscription and added to the sewer bills.

A Village wide lawn refuse collection, refuse to be composted and wherever possible compost be available for residents to use at low or no cost.

Available driveway snow removal service to be fee based on an individual subscription.

A Village identity task force to develop a motto, a logo and make a brand and logo products available for resale.

I will ask that the Services Committee take a look at these and report back within the next two months.

Mayor's Report

Mayor Monahan gave the following report:

I sent emails (on Jan. 29th and Feb. 4th) to Bill Owen (Delaware County Assistant Prosecutor) concerning the Charges being filed in the Jeff Pierson case.

I received an email back on the 4th, "Complaint is sitting on my desk"!

I will continue to follow up with Bill and once the charges have been filed I will come back to Council in an Executive session to discuss our further actions.

On Saturday Feb 6th we did have the information and Planning Session and it was attended by, new ABR Member Chris Anderson, New Planning and Zoning member Dan Boggess, Council

Members Kris Garren, Council Member Jim Gauldin, Council President Yvonne Clippinger, Village Administrator Ed Swanson, Fiscal Officer Shirley Roskoski, Code Enforcement Officer (and snow remover extraordinaire) Mark Katzenbach and me.

I believe the session was very productive and helped especially the newer people to understand:

- The Village Finances = what are our funding Sources and how does our budget process work. Please see Shirley for the write up she did. It is very informative and if anyone else wants to see our funding sources you can stop by the Village office for a copy.
- Mark K. gave us an explanation of how he handles the Code Enforcement.
- We discussed the different types of Zoned properties:
 - SCPD
 - Commercial
 - Neighborhood Commercial
 - Residential
- The group discussed the different functions of the Boards:
 - Architectural Board of Reviews
 - Planning and Zoning
 - Board of Zoning Appeals
- We discussed Planning for future projects:
 - Sidewalk project
 - Drainage Projects with the new grant money
 - Glick Road renovation = Grant
 - Bldg. renovation and office expansion
 - Playground renovation and improvement
 - Website improvements + enhancements
 - Services = Dumpster and Chipper days
 - Potential of a Village Summer picnic at the Ohio wildlife center
 - Establishing a Volunteer Committee to help residents needing assistance
 - Neighborhood beautification = signage
 - Investing money short term
 - Traffic flow for safety concerns
 - Work with Chamber and establish a Zoo liaison to increase Shawnee Hills commerce.
 - Charge ABR and P&Z to enhance and clarify our code when hearings aren't being help.
 - As an example have ABR propose enhanced language to define "Maintain the Country look".

- P&Z to work on proposed drainage language that would prevent the Village from going back as we have in the past to fix drainage issues caused in the construction of new homes or driveways.

It was a very good session even though the Mayor may have been a bit chatty!! Thanks to all who attended and I believe this type of session twice a year would be very helpful!

ABR Mtg. is scheduled for Feb 18th I will ask Ed to have Mark send out an email notice to the ABR members by this Friday the 12th if there is going to be a meeting and the pertinent materials.

P&Z is scheduled for Feb. 23rd as of now we have no hearings. I will ask Ed to have Mark send out an email notice to the P&Z members by the 17th to verify if the meeting is cancelled.

I believe the boards are to nominate and elect their chair and vice chair persons at the 1st mtg.

I would ask that we show a resounding support for this upcoming event for our Neighbor, Friend and former Council Member Tim Fellure.

FUNDRAISER
for
TIM FELLURE
Wine Tasting
SHAWNEE HILLS CIVIC ASSOCIATION
36 W. MOHAWK DRIVE
SHAWNEE HILLS
Saturday, February 27, 2010
TIME: 7 p.m. - ???
DOOR PRIZES AND 50/50 DRAWING
DONATION: \$20
ALL PROCEEDS WILL BE DONATED TO TIM FELLURE AND HIS FAMILY TO HELP
COVER MEDICAL EXPENSES.

PLEASE COME AND ENJOY AN EVENING WITH FRIENDS AND NEIGHBORS WHILE SIPPING HOMEMADE AND COMMERCIAL WINES. APPETIZERS WILL BE SERVED, ALONG WITH WATER AND SOFT DRINKS.

IF YOU ARE UNABLE TO ATTEND AND WOULD LIKE TO MAKE A DONATION, PLEASE VISIT ANY CHASE BANK AND MAKE A DEPOSIT INTO THE CHARITABLE ACCOUNT FOR:

“ROBIN FELLURE DBA CHARITABLE ACCOUNT FOR TIM FELLURE”

Questions? Please contact:
Vicky Gibbons (614) 889-1683 or
John Piccin (614) 496-5018

Council member Jim Gauldin and I met with Patty Anderson and Kelly O'Brien last Monday to discuss the suggestion on the proposed Strader's sign. Remember last time they brought a Waggoner board type of sign and basically we wanted them to move to a more natural look instead of a plastic look on this. It was a very constructive meeting and Strader's will come back to us with a new proposal and go to the ABR with it.

Pro Tem Report

Council member Clippinger said that she had sent around an email to the Council members about the MORPC membership. She said that we joined MORPC last year and kind of did it on a trial basis. Our membership is due again and it is \$800.00. She said she does not care if we join it again or not. She said she and the Mayor are representative for MORPC but she has not been able to attend the meetings and the Mayor cannot as they are held during the day. She said those meetings are usually attended by the Mayors from different municipalities or administrators, they do great things and she does have a packet for anyone to review or they can go to the MORPC website to see what they do. She said she would like to get the administrations input on this as she has forwarded many emails to Ed from MORPC about the stimulus money and she wants to know if they were helpful or not. She said she is not asking for people to decide tonight but if we could by our next Council meeting if we could decide whether or not we want to be members again with MORPC that would be helpful. Mayor Monahan said he made it to a couple of the meetings but they are downtown, during the day and he has told them that if they had functions during the evening he will show up but he cannot make the daytime meetings. He said he thinks the problem is whether we don't know how to use it right, whether we haven't gotten enough out of it and the only thing he would be concerned with, does this buy us anything as we go into other things if we are a member. He said he would appreciate getting some input on this. Council member Gauldin asked if there was any way to quantify how much we used them in the past and then put that against what our future plans are, how we might use them in the future. Shirley said she cannot remember ever being a member of MORPC, if we did it was years ago and we just joined last year and the cost is \$800.00 a year. Mayor Monahan said when we joined MORPC, we met with them and we talked about a bike path that connects to the zoo and he thinks we need new input to look at that. Council member Dalvi said that Dublin is working on a new bike path and he wanted to know if these discussions happened under the MORPC umbrella. Council member Clippinger said yes it does, and she will say this, and it is not a slam against them, but she thinks a lot of people that are outside of Franklin County feel that they really don't get their money's worth. They are supposed to be multi county and she thinks they are working towards and she gets that feeling from going to the Delaware County Regional Planning meetings that people are not real happy and they were not happy with the stimulus money, but that could be that we do not engage enough with them.

Legislative Activities

Third 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. It was moved by Clippinger, seconded by Callender to pass Resolution 02-2010. Following vote on the motion was recorded: yea, 5; Callender, Clippinger, Dalvi, Gauldin and Garren. Nay, none. Chair declared Resolution 02-2010 passed by a 5-0 vote.

It was moved by Clippinger, seconded by Callender to move Ordinance 01-2010 off the table. Following vote on the motion was recorded: yea, 5; Callender, Clippinger, Dalvi, Gauldin and Garren. Nay, none. Chair declared the motion passed by a 5-0 vote.

Second Reading – Ordinance 01-2010 – An Ordinance authorizing all actions necessary to effect a Governmental Electricity Aggregation Program with Opt-Out provisions pursuant to Section 4928.20 Ohio Revised Code, directing the Delaware County Board of Election to submit a ballot question to the electors, and declaring an emergency. It was moved by Callender, seconded by Dalvi that the rule requiring readings on three separate days be suspended and this Ordinance shall pass on its second reading. Following vote on the motion was recorded: yea, 5; Callender, Clippinger, Dalvi, Gauldin and Garren. Nay, none. Chair declared the motion passed by a 5-0 vote. Council member Gauldin said that the Utilities' Committee met to discuss this and what came out of that meeting is as follows: With the proposed Ordinance 01-2010 whereas A. it does not specify a generation provider specifically and B. it allows the public to vote this action to take effect. It was the opinion of the Utilities Board of Shawnee Hills to indicate to Council the approval of Ordinance 01-2010 with the following questions: A. We would like to see the Village provide educational information for the residents in the form of a mailing and/or an open meeting covering in plain English how this Ordinance will affect the residents and he thinks we kind of already have that covered as Tim Suter has offered to come and give an overview of how this will affect everybody and B. The Village will acquire a minimum number of quotes from companies that provide the service that this Ordinance specifies, so while Tim does have a quote in and we have checked in other areas if we could just get something solid and I think Ed was fine with that to get other quotes. So with that we believe that this is something that should be approved by Council. Council member Dalvi thanked Tim Suter for spending the time with the committee to explain the pros and cons and the proposal and he thinks at this point, based on that discussion that we had we are comfortable moving forward with this with the conditions that have been stated. Brian Zets said he had a question about the language that is going on the ballot. It says: Shall the Village of Shawnee Hills have the authority to aggregate the retail electric load and he just doesn't understand the process and maybe you do. If this question goes to the ballot and they choose this is it automatically aggregated unless they opt out and who do they aggregate with, only the person who has given you a quote or can you go find other people to automatically aggregate. Does this ordinance create an automatic aggregation? Council member Dalvi said he asked that question and the ordinance is about negotiating to get into this aggregation, not automatically authorizing this. Ed said his understanding is that Council has the authority to go forth and make a deal with somebody without going back to the voters. Council member Dalvi said that is his understanding and that there is no time limit on when they do a contract. Tim Suter said it really goes back to Senate Bill 3 so you have to go look for clarification in that. The Village will have the ability to shop and look around for other competitors or make no decision at all. Your customers can still go out and shop on their own. What this does is it aggregates everybody as a group so you can say give me the best price. Council member Dalvi said what he thinks Brian is asking is if this gets passed then are we saying that automatically we have to go out and come up with an aggregation. Tim Suter said no you do not have to. What this does is it sets you up as an aggregator, if nothing gets done, if you let it pass for a year or two you do need to have it recertified with the PUCO but this is a process that says you are going through the PUCO as an aggregator and you are now licensed through the PUCO to chose someone as an

aggregate for a better price. Tim said Senate Bill 3 sets up an opt-in or an opt-out program. It was moved by Dalvi, seconded by Garren to pass Ordinance 01-2010. Following vote on the motion was recorded: yea, 5; Callender, Clippinger, Dalvi, Gauldin and Garren. Nay, none. Chair declared Ordinance 01-2010 passed by a 5-0 vote.

Third Reading- Ordinance 03-2010 – Sponsored by Planning and Zoning- An Ordinance to amend Section 1113.07 of the Codified Ordinances of the Village of Shawnee Hills, Neighborhood Commercial District. It was moved by Dalvi, seconded by Clippinger to pass Ordinance 03-2010. Following vote on the motion was recorded: yea, 5; Callender, Clippinger, Dalvi, Gauldin and Garren. Nay, none. Chair declared Ordinance 03-2010 passed by a 5-0 vote.

Third Reading- Ordinance 04-2010 – Sponsored by Planning and Zoning – An Ordinance to amend Section 1113.08 of the Codified Ordinances of the Village of Shawnee Hills, Community Commercial District. It was moved by Garren, seconded by Dalvi to pass Ordinance 04-2010. Following vote on the motion was recorded: yea, 5; Callender, Clippinger, Dalvi, Gauldin and Garren. Nay, none. Chair declared Ordinance 04-2010 passed by a 5-0 vote.

Third Reading- Ordinance 05-2010 – Sponsored by Planning and Zoning - An Ordinance to amend Section 1113.09 of the Codified Ordinances of the Village of Shawnee Hills, General Commercial District. It was moved by Clippinger, seconded by Dalvi to pass Ordinance 05-2010. Following vote on the motion was recorded: yea, 5; Callender, Clippinger, Dalvi, Gauldin and Garren. Nay, none. Chair declared Ordinance 05-2010 passed by a 5-0 vote.

Third Reading – Ordinance 06-2010 – Sponsored by Planning and Zoning – An Ordinance to amend Section 1113.13 of the Codified Ordinances of the Village of Shawnee Hills, Commercial Area Plan Overlay District. It was moved by Callender, seconded by Gauldin to pass Ordinance 06-2010. Following vote on the motion was recorded: yea, 5; Callender, Clippinger, Dalvi, Gauldin and Garren. Nay, none. Chair declared Ordinance 06-2010 passed by a 5-0 vote.

Second Reading- Ordinance 02-2010 - Amended – An Ordinance to amend Section 1121.02(d)(7) of the Codified Ordinances of the Village of Shawnee Hills, General Development Standards. Shirley said tht she corrected the last sentence saying that this ordinance will take effect according to law and she attached the current code to the back of this ordinance. Council member Gauldin asked Brian if the wording was correct in this Ordinance since there was a question about it at the last Council meeting. Brian said it depends on what you want it to say because he and Rich were reading it differently. Brian said the way it is worded here, you shall be fined not less than \$15.00 and no more than \$150.00. You will never be fined more than \$150.00 the way it is written, that's why he and Rich were disagreeing because he said it should be \$15.00 to \$150.00 each day, so its Council's decision. Council member Dalvi said based on this the last sentence does not make any sense. Basically what you are saying is I could be unlawful construction, do all that stuff every day. Brian said it would depend, if you were fined \$15.00 for your violation and you did that for five days that could get you a \$60.00 violation, you could read those together. Council member Dalvi said that what he thought Rich was saying is that after a certain period of time you have this statement that says each day that is saying that the fine will continue. He said he reads this that the fine will end at \$150.00 Council member Clippinger said the sentence says: each day during which unlawful construction, erection,

replacement or remodeling continues shall constitute a separate offense. Brian said but your fine will be no more than \$150.00. Council member Clippinger said she reads it per day. Mayor Monahan recommended that this be tabled until the wording can be clarified. It was moved by Clippinger, seconded by Garren to table Ordinance 02-2010. Following vote on the motion was recorded: yea, 5; Callender, Clippinger, Dalvi, Gauldin and Garren. Nay, none. Chair declared Ordinance 02-2010 tabled.

Second Reading- Resolution 03-2010- A Resolution to adopt the updated agreement that establishes Emergency Management in Delaware County.

First Reading- Ordinance 08-2010 – Sponsored by Planning and Zoning – An Ordinance to amend the Zoning District Map of the Village of Shawnee Hills, Delaware County, Ohio, pursuant to the Codified Ordinances of the Village of Shawnee Hills. Mayor Monahan said this is to rezone the Priestino property to Neighborhood Commercial. He said if you look at the second page the wording has been added that the developer will have to remove the existing structures as part of a development plan.

Committee Reports

Utilities have already given their report.

Bills

It was moved by Callender, seconded by Gauldin to pay the bills in the amount of \$20,950.22. Following vote on the motion was recorded: yea, 5; Callender, Clippinger, Dalvi, Gauldin and Garren. Nay, none. Chair declared the motion passed by a 5-0 vote.

Treasurer's Report

It was moved by Garren, seconded by Clippinger to approve the following treasurer's report: General Fund 169,823.83, Street Fund 21,327.04, State Highway Fund 2,914.30, Enforcement and Education Fund 1,560.00, Computer Fund 8,736.71, Fire Fund 31,623.31, Weed Fund 5,309.85, TIF Fund 73,196.01, Veteran's Memorial Fund 1,260.00, Building Expansion Fund 700.00, Capital Projects Fund 1,223.84, Sewer Operating Fund 35,863.49, Sewer Replacement Fund 10,000.00, Storm Sewer Fund 5,388.19, Enterprise Debt Service Fund 14,438.25 and Enterprise Debt Service Reserve Fund 79,757.83 for a total of \$463,122.65. Following vote on the motion was recorded: yea, 5; Callender, Clippinger, Dalvi, Gauldin and Garren. Nay, none. Chair declared the motion passed by a 5-0 vote.

Miscellaneous Business

Resident Jack Frambes thanked Council for passing Ordinances 03-2010, 04-2010, 05-2010 and 06-2010 tonight.

There being no further business, it was moved by Clippinger, seconded by Dalvi to adjourn until February 22, 2010. Following vote on the motion was recorded: yea, 5; Callender, Clippinger, Dalvi, Gauldin and Garren. Nay, none. Chair declared the meeting adjourned at 8:06 p.m.

Fiscal Officer

Mayor