

Village of Shawnee Hills Council Meeting
March 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, James Gauldin and Richard Vedell

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

It was moved by Clippinger, seconded by Gauldin to approve the minutes of February 22, 2010 with the following amendments; page 7 third row down, the start of that sentence correct it to *just*, one row down from that it should say budgeted *less*. On page 5 under Pro Tem Report change the name Sullivan to Celebrezze, on page 3 put in that it was the Chevy cruiser that we want to trade in, on page 4 the last cruiser we purchase, add: *before the charger*, was used. Following vote on the motion was recorded: yea, 5; Callender, Clippinger, Dalvi, Garren and Gauldin. Nay, none. Abstain, one; Vedell. Chair declared the motion passed by a 5-0 vote.

It was moved by Garren, seconded by Vedell to approve the agenda with the following with the following amendment: add Larry Burchfield under Visitors. Following vote on the motion was recorded: yea.6; Callender, Clippinger, Dalvi, Garren, Gauldin and Vedell. Nay, none. Chair declared the motion passed by a 6-0 vote.

Solicitor

Council member Dalvi said that our Solicitor was in the Business First newspaper this week and Brian was made partner of the law firm he works for. Congratulations.

Brian Zets said that Jeff Pearson was charged by the Delaware County Prosecutors office for Dereliction of Duty and an arraignment is set for March 16th. Brian said they have started working on the second TIF District assuming that the Priestino rezoning goes through, that property will be included in the second TIF District. The other Ordinance that will be before Council tonight is the East Osage Drive, he worked on that Ordinance as well.

Village Administrator

Ed Swanson said he supplied Council with some additional information regarding Mark Katzenbach, his resume and his duties. He said he went over most of this at the last meeting so he will not repeat it again tonight. He said he will say again, in his opinion, we can afford this, it is necessary and it is the right thing to do for Mark and his dedication to the Village. He said that Mark attended Court today on the Sullivan case and hopefully we will have an answer by the end of the week, or hopefully next week. He said that all the sewer inspections are done except for a few that are inaccessible because of the snow or the lids are stuck and we are still working on that. Mark also made a map of the all the signs and post that are bad in the Village and Ed has

supplied Council with that map. Council member Dalvi said the Pawnee sign is missing at Dublin Road.

Ed said that CPS should be in the Village this week to start the preliminaries on the sidewalk and drainage grant work. They will be starting with the survey work. Council member Gauldin asked if there was an estimate on how long it would take to do the survey. Ed said that it will be 4 to 6 weeks for the sidewalk and the drainage work will take longer, but the money for the drainage project will not be available until July but they will get started on it. Council member Dalvi asked, if for all these projects, do we create some kind of tentative project plan that is shared with Council that says here is the tentative plan and dates. Shirley said that Council member Gauldin and Mayor Monahan have asked her the same thing and they will come up with one. She said that usually the Engineer will come up with one once the project is under way.

Ed said he, Pat and Yvonne will be meeting with Jerry Borin and Dale Schmidt from the Columbus Zoo on March 22 to discuss how we can benefit with the new proposed hotel that will be built at the zoo. Maybe to attract more business to our restaurants and shops and dress up Glick Road, that sort of thing.

Visitors

David Celebrezze, Director of Air and Water, Ohio Environmental Council – had handouts for Council and said that he appreciates being able to come out and talk with you all regarding the potential for a No Idle Policy. He said he is going to start out at the Federal level and work his way through the different levels. The national level there are two standards for air quality, one is the ozone air quality and the other is particulate matter or soot. Right now Delaware County, Franklin County, most of all of Central Ohio are meeting the old ozone standard. That's the good news. The bad news is by the end of the year we are going to be failing the new standards that are going to be coming out. Right now we are currently failing the soot standards. This comes from a whole host of sources, vehicles are one source, passenger vehicles as well as diesel vehicles, you also have what's being blown in from the outside, you have foundries, manufacturing facilities etc. If you don't meet these standards you are looking at the consequences which include the E-check program which is the inspection of emissions from individual cars, you are looking at county emission offsets, if there is a source of pollution in lets say it's a business that is expanding and you are looking at more pollution you have to find out where else in the county it can be lowered. That's kind of the federal perspective. The health and environmental impacts of pollution, specifically diesel pollution and pollution that comes out of passenger vehicles that use gasoline. The US EPA researchers have identified that diesel pollution can cause asthma attacks, painful breathing, heart and lung disease, and even cancer. The US EPA has it listed on their carcinogen list as a probable carcinogen where some states have this listed as a known carcinogen. In terms of passenger vehicles, they emit nitrous oxide as well as carbon monoxide. When the nitrous oxide is emitted, it kind of cooks in the sun with volatile organic compounds that causes ozone pollution and that has been linked to painful breathing and they kind of equate it to sunburn on the lungs. What are the solutions to this? One step a lot of municipalities and local governments are taking are adopting No Idle Policies for their fleet. These are simple steps and he has provided Council with a list of municipalities close to us that have adopted the No Idle Policy. Some of the myths that are out there is that the engine

needs to be warmed up before it is driven. With today's modern engines and the advent of the electronic engine you really don't need to idle more than a few minutes at most. Another myth is that idling is good for the car when in fact excessive idling can damage the spark plugs, it can damage the cylinder walls because the fuel is not completely combusted. Another myth out there is that shutting off and restarting the vehicle is hard on the engine. A couple of studies have been done that shows that you do about \$10.00 worth of damage a year by turning off and turning on your vehicle and you more than save that up in the fuel savings. The last myth we have heard is that shutting off and restarting your vehicle uses more gas than if you leave it running. The studies that have been done, bottom line is if you are idling for more than ten seconds you are using more fuel than if you turned it off and turned it back on. He told Council that he has supplied them with sample policies from other municipalities. He said some of the reasons to adopt a No Idle Policy for the government fleet are that one hour of idling equates to about 33 miles of wear and tear and also the fuel savings. The economics are there and certainly the health benefits are there and it makes good environmental sense as well because, the diesel pollution anyhow, it contributes to both crop damage and also to warming the planet because when the carbon is emitted it actually generates heat when it is cooked in the sun. Council member Dalvi said he just read a report from the Department of Health, the Delaware County Report and they said that Delaware County was the leading county for quality of life. They ranked 26th for air pollution and that the County was creating a plan around that for the County and he asked David if this was part of that plan. David said that air quality issues are everything from land use, transportation, building use, things like that. He said that he is not aware of the plan that they are proposing but he would hope and encourage them to adopt a no idle policy for the county vehicles. It's also a way to use the tax payer money wisely. Mayor Monahan asked if the EPA things were county by county. David said that they have monitors in basically your major metropolitan areas and there is both the ozone and the particulate matter, two standards for each usually an annual and a 24 hour standard. Council member Clippinger said that reading through some of this and there is a lot, some states do have a statewide policy is that correct. David said that is usually in states along the coastline and also states like Texas, they have more of an ozone problem than a soot problem. In Illinois they have no idle policies for their areas that are not meeting those standards. The City of Chicago has ratcheted theirs down to three minutes of idling instead of five. Temperature also factors into these policies. There are also exceptions to the policy such as safety vehicles being used in emergency situations, maintenance etc. He said that one of the things they have encountered with Police vehicles is that even if it is 84 degrees it still gets pretty hot in the vehicles and if it's 33 degrees it is still a little cold. With that they do make technology that is out there, engine preheaters, a company makes a product that monitors the battery and it will keep the car running until the battery reaches a certain point, then it will shut the car off. That is more for the electronics of it versus the heating and cooling. Council member Clippinger asked David if he sees Ohio going towards a state wide policy or are you just trying to get municipalities to adopt their own. David said what they have heard from the Ohio EPA is that they are waiting for the new ozone standards to come out to figure out what they are going to do because it is either going to be really, really hard to meet or just really hard to meet they way the feds are talking. He said they are certainly a proponent of making this state wide, that way you avoid driving though this city that has one policy and another city with a slightly different policy. It avoids that patchwork and they are going through other avenues as well to address air quality. Council member Dalvi said by reading through Gahanna's and Columbus's policy it seems like they don't have an anti idling policy, it is part of their fuel conservation

policy. Is that how people do it, have a fuel conservation policy rather than a no idle policy. David said yes, some have a fuel conservation policy and others have a no idle policy. Council member Vedell asked if we were thinking about having a no idle policy for private as well as government vehicles. Council member Clippinger said her thoughts on this was we just do an internal policy, she does not think we have the resources to actually enforce the private individuals but to start with definitely an internal policy. Council member Vedell asked how many vehicles do we have. Ed said counting the cruisers 4 vehicles, 3 of them are police cruisers.

Larry Burchfield showed Council a drawing of what the area at E. Osage would look like if the property is leased by him. Ed said he would give a little history behind this. Ed said that East Osage is in really bad shape and it would take several thousand dollars that we don't have to fix it. It is not easy to get out of there and onto Dublin Road, in fact it is kind of unsafe because Walgreen's exits right next to this road also. Ed said the only real reason we need that access, as far as he is concerned, is to get access to Larry Burchfield's business. Ed said he and Larry talked about Larry improving 460 feet of East Osage just east of Dublin Road. The plan is to have a graveled 12 foot wide private drive to Larry's business, the rest will be covered with dirt and seeded with grass and it is to be maintained by the lessee. Shrubs will block the end of this 460 feet so that no cars will be able to drive this portion of East Osage. There will also be shrubs planted out by Dublin Road and the Village will put up a sign that says Private Drive. The Village will also recap the portion nearest Dublin road and go back about 20 feet so that we can match up with the new sidewalks that will be installed this year. Ed said this agreement will be for ten years but we will have wording in the agreement so that the Village can take this back at any time with a thirty day notice. Council member Dalvi asked if Village residents would have access to this area so that they can walk to Walgreen's from the Trail. Larry said this will be a hard grass and it will be open to walking or biking traffic. It will not be open to vehicular traffic. Mayor Monahan asked Brian Zets if something is granted to a current owner, do we have the right to change it for a future owner. Brian said that this is a two step process. The Ordinance before Council is to authorize the Village to put out for bid the leasing of this land. He said he could bid on that land to use it himself to park his car to come to Council meetings if he wanted to. Once its bid, the Village will open those bids and then the Village will enter into a lease agreement, that lease agreement will protect the Village legally for every possible contingency. Council member Vedell asked if we were plowing this road. Ed said not. Larry said the he plows that portion himself. Council member Gauldin said he walked through that area and he was surprised that he got passed by three cars on that road and whether or not that was just a strange day, it was near 5:00 and we are seeing a lot of business traffic, but there was a concern of residents on Waterview or maybe the next two street over that traffic that might have gone through Osage will be diverted to Waterview. He said he can't swear how many cars that might be as he has not spent a lot of time in that area to see how many are cutting around to avoid the light at the corner.

It was moved by Clippinger, seconded by Gauldin to break for ten minutes. Following vote on the motion was recorded: yea, 6; Callender, Clippinger, Dalvi, Garren, Gauldin and Vedell. Nay, none. Chair declared the motion passed by a 6-0 vote.

It was moved by Clippinger, seconded by Callender to reconvene. Following vote on the motion was recorded: yea, 6; Callender, Clippinger, Dalvi, Garren, Gauldin and Vedell. Nay, none. Chair declared the motion passed by a 6-0 vote.

Communications

Mayor Monahan gave the following report:

I am sure all have noticed our new rock and sign on our approach from the South. I sent a note to John Piccin the President of the Chamber thanking them. It looks great! I spoke with Larry Burchfield this Saturday and Larry said he will get the wall built around the base in the spring. The Rock and plaque looks great.

We received the Top 25 Report from R.I.T.A. I would ask Finance to see if anything looks unusual in the report.

The 2010 District Advisory Council meeting will be March 16, 2010 and held at 1 West Winter Street in the basement training room. Light refreshments will be offered at 6:15 with the business meeting to begin at 6:45. It is necessary to have a quorum of at least 13 members to conduct the business meeting. Please reply to this email or call 740-358-1700 with the name of the designated individual who will be attending the meeting. If you have any questions please contact Pam Shears at 740-203-2020 or via email.

Thank you
Pamela L Shears
Executive Assistant/Registrar Vital Statistics
Delaware General Health District

I have a copy of the Legislative Action Schedule for the Ohio House this week. It will be in the office if anyone would like to see it.

I have a copy of the Consumers' Corner; it is a bi-monthly publication of the office of the Ohio Consumer's Council. It will be in the office if anyone would like to see it.

Mayor's Report

Mayor Monahan gave the following report:

Anyone who attended the Fundraiser on Saturday Feb. 27th for Tim Fellure witnessed a great and fitting tribute to our neighbor, our friend and our former Council Member.

I received a letter in my mailbox on Wed. Mayor As of today's date (March 2, 2010) I am resigning only from the Acting Chief Position. I will return to my regular position as the full time captain. I feel this is the best choice for the department and me. I fully recommend Sean Lefever for the position and feel he is better suited for the position at this time.

Thank you,
Erin A. Cullen

During the Legislative Actions Resolution 05-2010 is asking you to confirm my appointment of Sean Lefever as Acting Police Chief.

Background investigation on both Police Chief candidates has been completed and have been forwarded to Randy Walker, polygraph operator. Randy will review and appointments have been made with both candidates for polygraph on March 16th @ the Civic Assoc. Building. Deano is @ Noon and Shawn is @ 2:30 PM. I have notified both.

I attended a Dam Jam 2010 Mtg. with the Chamber and civic on this past wed. The Dam Jam this year will be Friday July 16th.

In the Executive Session we will discuss the response to a letter for an attorney representing Brady Inman who was a candidate who was disqualified during the 2009 Police Chief screening. Per your request I have asked Brian to discuss with us the Jeff Pearson case.

Do we have a schedule for The Safety Committee? We agreed to have Safety look at the 25mph proposal for Shawnee Trail and I want to attend and discuss this with Safety.

I have asked ABR at the Tuesday, March 16, 2010 to do 2 things:

1st Determine 5 or 6 permanent and 5 or 6 temporary signs that they recommend. With those recommendations I will work with the Business Advisory Committee and the Chamber to set up a mtg. where we can get the input from the businesses and with that ask ABR to make a recommendation to Council through sponsored legislation.

2nd I have asked ABR to develop and recommend a definitions page to enhance our recently passed CAP legislation. This would define things like "maintain the Country Look".

We had a recommendation from Carol from the Bakery suggested that we have a logo for the Village and he has been working with John Piccin on that and one of our residents, Shana Anderson, has volunteered to help us with that.

We are working with Joe See to set up a mtg. to establish our requirements and make a recommendation for a new website hosting service.

Council member Vedell said that at our last meeting in January we were discussing a 25 mile per hour versus a 15 mile per hour speed limit and at that time the Mayor issued a decree that the Police would issue speeding tickets on Shawnee Trail for those going 28 miles per hour or more and he wants to know how many tickets have been written since that time. Mayor Monahan said he didn't say just on Shawnee Trail, he said for anywhere you find someone going 28 miles per hour in the residential areas. Mayor Monahan said none have been written. He did inform Council that a citation was issued for someone running two stop signs. He said he again will

reiterate that if we see someone going 28 or above he expects to see a ticket on this. Council member Vedell asked if we could set up a speed check on some of these areas particularly on Shawnee Trail. Sergeant Lefever said they could do that, what they have been doing is patrolling the area extra and trying to hit the area with moving radar. Stationary radar is great but you have to have someone dedicated strictly to that, they are going to sit there and that is all they are going to do. That is his only concern, tying someone up doing strictly traffic enforcement on one street. If you want to do that, it is possible to do but he recommends that we allot some extra pay to have a second officer do that while someone else is patrolling. He said when he patrols and when the other officers patrol they are running their moving radar but to just focus in one area they are not going to get anything else done. Mayor Monahan said just as a start he would ask that we make sure we have coverage for right after work and look at those cut throughs on Shawnee Trail to see if we can find a spot to catch that because he thinks that is where people try to duck through to avoid the light at Dublin and Glick Road. Maybe that's a start.

Pro Tem Report

Nothing to report

Legislative Actions

Third 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. It was moved by Garren, seconded by Dalvi to pass Ordinance 02-2010. Following vote on the motion was recorded: Yea, 6; Callender, Clippinger, Dalvi, Garren, Gauldin, and Vedell. Nay, none. Chair declared Ordinance 02-2010 passed by a 6-0 vote.

Third 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 the Priestino property and we have made provisions that upon development the developer will remove the existing structures on the property. It was moved by Callender, seconded by Clippinger to pass Ordinance 08-2010. Following vote on the motion was recorded: Yea, 6; Callender, Clippinger, Dalvi, Garren, Gauldin, and Vedell. Nay, none. Chair declared Ordinance 08-2010 passed by a 6-0 vote.

Second Reading- Resolution 04-2010 – Sponsored by Mayor Monahan – A Resolution to establish Mark Katzenbach as a full time employee of the Village of Shawnee Hills, Ohio. Mayor Monahan said we were asked to have a bottom line figure on that and I believe we have added the bottom line figure. Council member Vedell said that he would like to make a statement. He said that he is in favor of this, not only has Mark done a great job on these two areas but I think he has done the best job in the Code Enforcement that we have had in the Village since he has been here. Some of that is due to the fact that we passed the Blight Ordinance, which helped out quite a bit, but Mark certainly has enforced that and he has been out there cleaning up the Village. Council member Vedell said he does not think there is any question about his maintenance and snow plowing and his inspection of the sewers and grease traps. He said he does not think we have ever done that before we gave those responsibilities to Mark so he highly supports this. Mayor Monahan said one of the figures he asked to be added to

this and we are about 90% complete on the sewer inspections and basically opposed to someone else doing this, it is about a \$7,000.00 savings. Council member Vedell said he may be about 90% done but he has to do this on a regular basis so he has to go back and start all over again and these inspections need to be completed annually. Council member Clippinger said one of her main concerns from this whole process was that we are combining these two positions and putting all of our eggs in one basket which she has never found to work out very well but she thinks moving through the process we have gotten our questions answered as far as what are we going to do if Mark takes a vacation or something happens if he were ill or he had to be off for an extended period of time and she believes that they have gotten those questions answered, that we do have backup to do the Code, to do the sewer inspections, to do the plowing, etc. She thinks that all the questions have been answered and she said this has never been about Mark as he does a great job. Council member Dalvi said that Mark has a very decent resume and hopefully he doesn't start shipping it to other places. Council member Gauldin said one of the things that Mark does really well and he just wants to make sure that as we go forward kind of solidifying this position and pulling him in full time, but one of the things he does real well is this on call type of thing where I know he get a lot of calls at strange hours and he is able to come down here and it's not an issue for hiring Mark now but as we solidify this, do we have in our job description somewhere so if we ever have to replace Mark something that covers us about how the hours are divvied up during the week and if we need him on weekends, we know a snowstorm is coming that we can make some adjustments and such. That is something he already does and we take it for granted but as we finish this he thinks now is the time to put these in there. Mayor Monahan said that is something we need to work through. Council member Vedell said another point that Jim mentioned and we were looking at but he has heard nothing from is a call out policy, that if someone is called out they are paid a minimum number of hours regardless of how many hours you work. Ed said that is something that he was going to take to the Finance Committee. Council member Vedell said we have been talking about this for six to eight months; this is not a new issue. Council member Clippinger said that Finance Committee will be meeting this Thursday and they can start working on this and it will have to go into the employee manual.

First Reading- Ordinance 09-2010 – Sponsored by Mayor Monahan – An Ordinance authorizing the Fiscal Officer to Advertise Bids to Lease for Private Use and Aesthetic Improvements the unimproved portion of East Osage Drive from SR 745 east approximately 460 feet.

First Reading- Resolution 05-2010- Sponsored by Mayor Monahan - A Resolution to Appoint Sean Lefever as Acting Chief for the Village of Shawnee Hills and Declaring an Emergency. Mayor Monahan said that it is to make it at an hourly rate of \$16.00 per hour not to exceed 36 hours per week. It was moved by Vedell, seconded by Clippinger 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, 6; Callender, Clippinger, Dalvi, Garren, Gauldin, and Vedell. Nay, none. Chair declared the motion passed by a 6-0 vote. It was moved by Garren, seconded by Dalvi to pass Resolution 05-2010. Following vote on the motion was recorded: Yea, 6; Callender, Clippinger, Dalvi, Garren, Gauldin, and Vedell. Nay, none. Chair declared Resolution 05-2010 passed by a 6-0 vote.

Committee Reports

Council member Gauldin said that Utilities did not meet but he is putting together an agenda for the next meeting and it is going to consist of basically a review of what they should be discussing on the utilities committee, in general what they should cover, the scope as far as the committee and as well one of the things that they have briefly talked about is looking into telecommunications network for the Village so that is what will be coming up.

Bills

It was moved by Garren, seconded by Gauldin to pay the bills in the amount of \$22,801.54. Following vote on the motion was recorded: Yea, 6; Callender, Clippinger, Dalvi, Garren, Gauldin, and Vedell. Nay, none. Chair declared the motion passed by a 6-0 vote.

Treasurer's Report

It was moved by Vedell, seconded by Clippinger to approve the following treasurer's report: General Fund 172,775.38, Street Fund 17,969.10, State Highway Fund 3,122.66, Enforcement and Education Fund 1,560.00, Computer Fund 7,731.25, Fire Fund 32,037.31, Weed Fund 5,309.85, TIF Fund 73,046.01, Veteran's Memorial Fund 1,260.00, Building Expansion Fund 700.00, Capital Projects Fund 1,223.84, Sewer Operating Fund 42,703.89, Storm Sewer Fund 6,104.00, Enterprise Debt Service Fund 22,439.98 and Enterprise Debt Service Reserve Fund 79,780.73. Following vote on the motion was recorded: Yea, 6; Callender, Clippinger, Dalvi, Garren, Gauldin, and Vedell. Nay, none. Chair declared the motion passed by a 6-0 vote.

It was moved by Clippinger, seconded by Dalvi to adjourn from regular session and move into executive session to discuss pending litigation. Following vote on the motion was recorded: Yea, 6; Callender, Clippinger, Dalvi, Garren, Gauldin, and Vedell. Nay, none. Chair declared the motion passed by a 6-0 vote.

It was moved by Vedell, seconded by Callender to adjourn from executive session. Following vote on the motion was recorded: Yea, 6; Callender, Clippinger, Dalvi, Garren, Gauldin, and Vedell. Nay, none. Chair declared the motion passed by a 6-0 vote.

It was moved by Clippinger, seconded by Gauldin to reconvene regular session. Following vote on the motion was recorded: Yea, 6; Callender, Clippinger, Dalvi, Garren, Gauldin, and Vedell. Nay, none. Chair declared the motion passed by a 6-0 vote.

There being no further business, it was moved by Vedell, seconded by Gauldin to adjourn until March 22, 2010. Following vote on the motion was recorded: yea, 6; Callender, Clippinger, Dalvi, Garren, Gauldin and Vedell. Nay, none. Chair declared the meeting adjourned at 9:25 p.m.

Fiscal Officer

Mayor

