

Village of Shawnee Hills Council Meeting
April 26, 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, Solicitor Brian Zets and Fiscal Officer Shirley Roskoski

It was moved by Clippinger, seconded by Garren to approve the minutes of April 12, 2010. 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 Vedell to approve the agenda. 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

Brian Zets said he attended a meeting with the Mayor, Ed, Shirley, folks from the Yacht Club and City of Columbus. He said it was an informational meeting, not much happened. He said he also worked with Yvonne on the No Idling and Fuel Conservation Policy that's before Council tonight as a first reading. He said he is also working with Yvonne on a Call in Policy. Brian said the latest and greatest update on the Shawnee Associates litigation, he is working on getting us our money as soon and as fast as possible, as of 1:53 today he received an email from Greg Barwell who said he will speak with the escrow agent and try to get this moving as soon as possible and get the funds to the Village. Brian said he also followed up with Greg Barwell in regards to interest on these funds. He said he told Barwell that the Village is entitled to statutory interest based on the judgment and it is from the date of the judgment which was April 28, 2009.

Mayor Monahan said he has asked Brian to look into making Dublin Road a scenic highway and to see what that would do for us.

Village Administrator

Ed Swanson said he received a cost estimate to regrade and gravel E. Osage Drive and that includes some drainage work also. The cost is \$3,626.00. He said this has not gone before Service but it is up to Council to decide tonight if they want to get this done or if they want to send it to Service first. Council member Vedell had a question about the bid, he said it says remove the existing steel culvert pipe from north side, is it going to be reinstalled. Ed said no, a swale would be there instead. He said the steel pipe is all rusted out so he is just going to take that out and make one continuous swale all the way from 745 to the catchbasin. Council member Callender said he would like to hear from the other Council members on whether or not they want to close this road or do this repair on it. Council member Dalvi asked if we do this will it minimize the liability risk we have on that road. Council member Vedell said the road is in such disrepair we may a liability for not keeping that road up if someone should come down and destroy their vehicle, however according to the rules, we are not liable until someone says the roads are bad, officially, and then we have so many days or weeks to repair it and then if something would happen we are liable. Brian said your liability starts when you really have notice of a problem, that's the Columbus pothole repair hotline as a best example. If a tire falls off your car on 70 because you hit a pot hole and you report it, if it has not been reported before, the city is not held liable. If it has been

reported you have a reasonable opportunity to fix it. If in general the road is bad, there's a question of are you on notice today, that's an argument somebody could make. There is also a question of negligence, if you drive down there and you repeatedly drive down there and you know it's bad there could be an argument made to the driver who decides to keep taking that route. Ed said this has been discussed at Council a couple of times in an open meeting that the road is bad. Council member Clippinger said she thinks this is a no brainer, we had residents that came in here that want to keep that road open, they were fine with putting gravel down, we are still working with Dublin on that intersection, granted, 5 or 6 years down the road we may end up closing it but she thinks for this amount of money we should go ahead and put the gravel down and she knows that Mike does a good job. Council member Callender said he personally agrees with Council member Clippinger. He said he doesn't really care whether it's open or closed but he thinks right now, with this bid, we fix it and keep it open. It was moved by Clippinger, seconded by Gauldin to contract with Eger Trenching for the road repair work on E. Osage Drive. Following vote on the motion was recorded: yea, 5: Callender, Clippinger, Dalvi, Garren and Gauldin. Nay, one: Vedell. Chair declared the motion passed by a 5-1 vote.

Ed said he has given Council a revised schedule from Mark Cameron of the construction projects for this year. The construction start days remain the same but some of the dates prior to that are different.

Police Chief Report

Chief Lefever said he held a departmental meeting last weekend. He said they are usually held annually and they are going to try to increase that. He said it was a very productive meeting overall and it provided a much needed boost to the department's motivation, it got us all on the same page. He had a chance to discuss all the changes that are going on in the department as well as officer productivity and our expectations in that department. They had a chance to go over the traffic issues, the Shawnee Trail issue along with parking, several traffic issues that have been brought to his attention from both Council and the general public and everybody. He said the traffic survey he showed Council a couple of meetings ago has now been implemented as part of a daily report so every officer that is on the street will take a half hour to an hour and sit in a residential area side street, be visible, and be there for the purpose to reduce speed by deterrence and also to enforce any traffic violations if seen.

Chief Lefever said that tournament planning is ahead of schedule for once. He is looking forward to a safe and enjoyable tournament event and the planning's ongoing for that. He said on the 8th of May they will be holding the child safety program day up here from noon until 3 p.m. which will be fingerprinting, photographing and also reviewing safety information with the children in the Village and their family.

Chief Lefever said he and Sergeant Venrick will be meeting with the American Heart Association and Red Cross about getting the automatic defibrillators. They may have found a slot they can slide into to get those for free, if not it might be a matching type grant they can get but to at least have one if not two would be great. Chief Lefever said one of the things that in order to grow they first have to address the flaws and the shortcomings that they have as a department. Things have been run a certain way for so long that a lot of things need to change. Part of that plan is they have some people coming in from the outside, over the course of the next thirty days, that are going to be going over everything from our evidence to some of our forms, policies, procedures and try to bring us up to speed with other agencies our size and even some bigger agencies, try to get these issues ironed out before they turn into a bigger problem. He said originally he thought this was something that he would be able to look at and say hey this is what we need to do, but we are going to need help from the outside and he thinks that is the way to go. These are issues that we don't want to cut any corners on, so he will continue to update Council on these issues. He said part of his review, is the budget review and continuing his review of the department. Several things that they are looking at are vehicle and safety audits on the equipment, getting feedback from the officers about what equipment they feel would help them do the job better, safety as far as cruisers and equipment go, everything from flashlights to traffic vests, whatever we need to do but that is all part of a big plan and a big audit that he will work on.

Communications

Mayor Monahan gave the following report:

I have a copy of the 2009 Delaware County Health District Annual Report that will be in the Village office.

I have a copy of the Ohio Municipal League Services brochure. We are a member and this will be in the Village office if anyone would like to look it over.

On last Sunday the 18th we attended an event at the Ohio Wildlife Center. If you haven't visited or participated in a function at the center I would highly recommend it. They are our neighbors to the North and they do a wonderful job with the animals.

Mayor's Report

Mayor Monahan gave the following report:

MAYOR'S COURT REPORT

MARCH, 2010

\$5,538.00 BALANCE BROUGHT FORWARD

DEPOSITS:

5,491.00 TRAFFIC RECEIPTS

5,491.00 TOTAL RECEIPTS

DISBURSEMENTS:

869.00 TREASURER OF STATE

470.00 COMPUTER FUND

4,152.00 GENERAL REVENUE FUND

5,491.00 TOTAL DISBURSEMENTS

5,538.00 *BALANCE BROUGHT FORWARD*

5,491.00 DISBURSEMENTS

10.00 OUTSTANDING CHECK #17523-MARINO

37.00 BALANCE MAINTAINED IN CHECKING

RESPECTFULLY SUBMITTED,
JOYCE A. ARMSTRONG
MAYOR'S COURT CLERK

I want to thank Ed for the high level Project Milestones on the Sidewalk Project, Storm water Project and Road Project. As they get further along please drill down the next layer.

I want to thank The Boy Scouts of America Troop 365 for the Red Maple they planted last Sunday the 18th to celebrate their 100th anniversary.

Delaware County leads all Ohio counties with a little over 80% counted in the 2010 census. If you know someone who hasn't complied with the Census please encourage them to do so. It is very important to all of us.

The Planning and Zoning meeting will be tomorrow evening at 7PM in the Timothy L. Fellure Village Office. We will be considering the Emerald Ash Borer legislation and other issues.

This past Wed. we said good bye to a colleague, a neighbor and a friend.

Tim Fellure did so much for this Village and never asked for himself. I would ask for a moment of silence to reflect in whatever way you chose to honor Tim! Thank you!

President Pro Tem Report

President Pro Tem Clippinger said that she and the Mayor met with representatives from MORPC a couple of weeks ago and they are both in agreement that it would be worth our while to go ahead and join that organization again this year, to pay our 2010 dues which is \$800.00 She said they did find out that some of the Issue 1 monies came from them originally and she thinks they got their questions answered and they are a great organization, we just weren't sure how to use them. It was moved by Clippinger, seconded by Dalvi to pay the MORPC fee in the amount of \$800.00. Following vote on the motion was recorded: yea, 5; Callender, Clippinger, Dalvi, Garren and Gauldin. Nay, one: Vedell. Chair declared the motion passed by a 5-1 vote.

Legislative Actions

Third Reading- Resolution 06-2010 – Sponsored by the Finance Committee – A Resolution to establish the percentage of Health Insurance Cost that the Village of Shawnee Hills will provide to their Full Time Employees. It was moved by Gauldin, seconded by Dalvi to pass Resolution 06-2010. Following Vote on the motion was recorded: yea, 5; Callender, Clippinger, Dalvi, Garren and Gauldin. Nay, one; Vedell. Chair declared Resolution 06-2010 passed by a 5-1 vote.

Third Reading – Resolution 08-2010 – Sponsored by Mayor Monahan – A Resolution to authorize the Mayor and Fiscal Officer to contract with Aptix for E-Mail service for the Village of Shawnee Hills. It was moved by Garren, seconded by Clippinger to pass Resolution 08-2010. Following vote on the motion was recorded: yea, 6; Callender, Clippinger, Dalvi, Garren, Gauldin and Vedell. Nay, none. Chair declared Resolution 08-2010 passed by a 6-0 vote

Second Reading – Resolution 09-2010 – Sponsored by Mayor Monahan – A Resolution authorizing the Mayor to sign the Release and Assignment Agreement from Western Surety Company in regards to the claim against Jeff Pearson

Second Reading – Resolution 10-2010 – Amended – Sponsored by Mayor Monahan – A Resolution confirming the Mayor's Appointment to hire Sean Lefever as Chief of Police for the Village of Shawnee Hills, Ohio and Declaring an Emergency. It was moved by Gauldin, seconded by Dalvi that the rule requiring readings on three separate days be suspended and this resolution shall pass on its second 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 Gauldin, seconded by Dalvi to pass Resolution 10-2010. 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.

Second Reading – Resolution 12-2010- Amended – A Resolution to grant variances to the provisions of the Shawnee Hills Code Section 509.09 to allow applicant, Bogey Inn, to deviate from time and volume standards

for the Memorial Tournament Events and declaring an emergency. It was moved by Clippinger, seconded by Callender that the rule requiring readings on three separate days be suspended and this resolution shall pass on its second reading. Following vote on the motion was recorded: yea, 5; Callender, Clippinger, Dalvi, Garren and Gauldin. Nay, one; Vedell. Chair declared the motion passed by a 5-0 vote. It was moved by Callender, seconded by Garren to pass Resolution 12-2010. Following vote on the motion was recorded: yea, 5; Callender, Clippinger, Dalvi, Garren and Gauldin. Nay, one; Vedell. Chair declared Resolution 12-2010 passed by a 5-1 vote.

First Reading – Resolution 13-2010 – Sponsored by Mayor Monahan – A Resolution to increase the annual salary for Shirley Roskoski, Fiscal Officer for the Village of Shawnee Hills, Ohio. Mayor Monahan said since Finance approved the 2% would they co-sponsor this. It was moved by Clippinger, seconded by Dalvi to amend Resolution 13-2010 to say that the Mayor and Finance committee will co-sponsor this. 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.

First Reading – Resolution 14-2010 – Sponsored by Mayor Monahan – A Resolution to increase the rate of pay for Chris Venrick, Police Officer for the Village of Shawnee Hills, Ohio. It was moved by Clippinger, seconded by Gauldin to amend Resolution 14-2010 to say that the Mayor and Finance Committee will co-sponsor this. 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.

First Reading- Resolution 15-2010 – Sponsored by Mayor Monahan and President Pro Tem Clippinger – A Resolution that the Village of Shawnee Hills host a Village wide summer picnic at the Ohio Wildlife Center. Council member Gauldin asked if this had gone through Finance and bills and everything are ok. Council member Clippinger said this had not gone through Finance but she sits on Finance and she is comfortable with this and Council member Dalvi said he is comfortable with this also. He said the only thing he did say is that we could very well do this the end of summer or early fall. Council member Vedell asked what is the \$1,000.00 for. Mayor Monahan said it is to cover some of the expenses and we would like people to volunteer to serve on the committee because what we would like to do is probably bring your own drinks and a dish to pass and we pay for the rest of the stuff. Council member Vedell asked if we had thought about asking some of the restaurants in the area to go out there and contribute food and put their sign in front of their food.

First Reading – Resolution 16-2010 – Sponsored by Mayor Monahan – It was moved by Clippinger, seconded by Callender to amend Resolution 16-2010 to read: A Resolution confirming the Mayor's Appointment to hire Tom Callison as a part time Police Officer for the Village of Shawnee Hills, Ohio. 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. Mayor Monahan said that Tom had been with us before and he said Tom was present tonight. Tom introduced himself. Council member Vedell asked if this would increase the number of part time officers that we have. Chief Lefever said it will bring us up to the staff where we are supposed to be. We had vacancies that we kind of shifted around what staff we had to help cover the vacancies so this will actually put us where we need to be. Mayor Monahan said the actions that were taken tonight moved Sean into the full time Chief's position. What that did we have allocated before 48 additional part time hours beyond that? When Chief Colburn left we moved Chris Venrick to 36 hours which kept him as a part timer and essentially there are 12 hours that we are not using and he would expect us to get a write up to come back with an addition to add some hours to this up to 20 or 24 hours so that we could have the coverage we need. Tom said he was here for a couple of years as an auxiliary and then he received an offer to go down to Valleyview PD as a part timer so he has been down there for a couple of years and then he received a call from Chief Lefever asking him if he would come back up and since he lives in this area and enjoys his time here and the pay is substantially better here than Valleyview so he decided to come back. Chief Lefever said one of the main reasons that he contacted Tom was because they are looking for people that want to do the job and some of our

A units have full time jobs and they are just working their commission and he respects that. What they wanted was someone who knows Shawnee Hills, knows what they are looking for, shares the same goals, same drive that we have and we started looking back through people that had worked here before and left on a good note and has the training and experience we need and Tom was the first guy that came up and Tom is willing to come back.

First Reading – Resolution 17-2010- A Resolution to grant a variance to the provisions of the Shawnee Hills Code Section 1121.06(h)(1) to allow applicant, Shawnee Hills Chamber, to deviate from the size of a special sign for the Dam Jam. It was moved by Clippinger, seconded by Gauldin to change the date to read July 16, 2010. 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.

First Reading- Resolution 18-2010 – A Resolution to grant variances to the provisions of the Shawnee Hills Code Section 509.09 to allow applicant, Shawnee Hills Chamber, to deviate from time and volume standards for the Dam Jam.

First Reading- Resolution 19-2010 – Sponsored by the Finance Committee – A Resolution to establish a No-Idling and Fuel Conservation Policy for the Village of Shawnee Hills, Ohio. Council member Garren said there is not anything in here excluding the police vehicles. Council member Clippinger said they are not excluded when they are not running the computers and stuff that they use. Brian said there is an exclusion under Section 1 d. It says necessary to complete a secondary function of the vehicle (e.g concrete agitation, hydraulic power to a crane or fuel pump, electrical power needed for on-board computers or other installed equipment). Council member Gauldin said under Item 1 there is a list of reasons why we would like to see this implemented, should we note the source of this info it kind of makes it sound like we did our own study, should we note that we received this from an outside agency and they have determined under study that ...? Brian said he does not think that Ohio State performed their own study or California. Under purpose and rationale a lot of these come from Ohio State's but those then come from California studies. These are consistent with every policy you see everywhere. Council member Gauldin said in the next section, item number 10: make certain the vehicle emission controls, systems and components are not altered or disconnected unless approved by the Village. The way that's written makes it sound like each employee using a piece of equipment has to make sure that the vehicle emission controls have not been altered or disconnected and he does not know that we train our employees to do that, is there a better wording for this or is this copied from somewhere else. Council member Clippinger said it is copied, its policy on everybody that got this. Mayor Monahan said if it was taken in for inspection then you would find out if it had been altered or not. Brian said this is not creating a duty by each employee to check for that.

Committee Reports

Council member Garren said the Safety Committee meeting for next month will be rescheduled.

Bills

It was moved by Callender, seconded Clippinger to pay the bills in the amount of \$30,112.67. 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 Clippinger, seconded by Gauldin to approve the following treasurer's report: General Fund 207, 646.20, Street Fund 47,198.61, State Highway Fund 3,427.66, Enforcement and Education Fund 1,560.00,

Mayor's Court Computer Fund 8, 220.26, Fire Fund 96,492.62, Weed Fund 6,613. 18, TIF Fund 81,744.95, Veteran's Memorial Fund 1,260.00, Building Expansion Fund 700.00, Capital Projects Fund 1,223.84, Sewer Operating Fund 29,957.86, Sewer Replacement Fund 10,000.00, Strom Sewer Fund 4,685.30, Enterprise Debt Service Fund 36,196.64, Enterprise Debt Reserve Fund 80,615.79 for a total of \$617,542.91. 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.

Miscellaneous Business

Council member Vedell said that since Bill VanCura is here now and had signed up to speak as a visitor he would like to give him time to speak now. Bill said he appreciates that and he is here tonight to address the sewer bill. He said they have always paid the debt retirement regardless of whether they had 0 usage or not which is \$28.56 per month and at the beginning of 2008 we started having a minimum charge for 0 use and he knows that because he does not use his market for 6 months at a time and he called Shirley and asked if there was a minimum fee and she said that was correct and he did not give it much thought because a lot of utilities have a minimum fee but as time has gone by and he has paid that month after month and he starts thinking that is \$90.00 a year for 0 usage and it adds up over the years. Bill said he understands Ohio Edison, they are a publicly traded for profit company and all of those guys and Columbia Gas and he understands they can charge minimum fees but if I chose not to have electricity I can call them any day and say I don't want electrify or I don't want to use your gas but he believes that we have to have a sewer and he is just curious as to what that minimum fee is. He understands the debt service and the clean river so when they have 0 usage he is not sure what the minimum fee is used for. Shirley said you have billing cost, payroll cost, the lines in the ground, there are a lot of cost involved whether you are using it or not, you are hooked up to the system that is going to need repaired down the road so that money is all going into an operation and maintenance account. Bill asked if the funds listed under debt retirement on their bill all goes to debt retirement. Shirley said that it did. Mayor Monahan said he will ask Utilities to take a look at the billing to see if that is the way we want to go. Bill said that when he talked to Shirley this morning she did say they might be reevaluating the billing so that is why he came tonight to speak before Council so that when the time comes and you are sitting around you can kick that around. He said he is not against paying his fair share. Shirley said there are different ways of doing the billing but the one thing that she wants all of Council to know is that the line item on the treasurers report that says Sewer Replacement Fund should have a balance of about \$100,000.00 right now and it only has \$10,000.00. Council member Callender asked Bill if he had Del Co water and if he did do they charge a minimum fee. Bill said he does and they pay a minimum fee even if he is not using the water, but that is a co-op that he signed into and agreed to that. Bill said he is fine with paying what he needs to pay but he doesn't want the Village to be making a profit from this. Shirley said they are not making a profit on this.

There being no further business, it was moved by Garren, seconded by Vedell to adjourn until May 10, 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 8:45 p.m.

Fiscal Officer

Mayor