

## Village of Shawnee Hills Council

November 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 Mike McVan

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

It was moved by Callender, seconded by Dalvi to approve the minutes of October 25, 2010. Following vote on the motion was recorded: yea, 4; Callender, Garren, Gauldin and McVan. Nay, none. Abstain, two; Clippinger and Dalvi. Chair declared the motion passed by a 4-0 vote.

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

### **Solicitor**

Brian Zets said he sent a response to Barry Thompson's email regarding the storm sewer line running across his property. He has not heard back from him. Brian said with respect to the Montessori School property he did review that complaint and foreclosure. He drafted up a quick answer for us and he also received a copy of the decree and foreclosure from the receiver, he wanted Brian to go ahead and approve it so they could have it filed. Brian said he left a message for Amy Arrighi, our RITA counsel, with one question for her before he signs his name to the decree and foreclosure. Once that happens it will be filed with the court and that property will be sold and the money will be passed out accordingly. He said the order of payout is court costs, taxes and sustenance and down the line from there.

Council member Garren asked what Brian's response was to Barry Thompson. Brian said our response was that the storm sewer that runs underneath his property was apparently installed at some time, a long time ago, it was not installed by the Village so it is not part of the Village installed system, however it is part of the Village's storm water management system so if he wants to move, change it, alter it in some way, he was told that we all live downstream and you cannot unreasonably alter the surface water by Ohio law and any plans to do that have to go to the Village Engineer for approval. Council member Garren said so this is part of the Village infrastructure even though it wasn't installed by the Village, it was installed prior to when we were even a Village. Brian said it could be just as any private property owner were to install storm sewers on their property in order to drain some part of acreage through and by your property so yes its part of the Village's system but only in the effect that it helps drain all storm water in the Village but it was not something that was ever installed or paid for by the Village. She asked if this was solely his responsibility to move this if he wanted to. Brian said that is correct. She asked if he was asking the Village to participate. Brian said he thinks at one point they may have suggested that the Village participate in the payment of that.

### **Administrator**

Ed Swanson said that the storm water project has started and they have proceeded to the point where tomorrow they will be leaving because we do not have the right of entry yet from the City of Columbus. The contractor does plan on returning in two weeks, so hopefully during that time frame we can get the right of entry. There was enough money left from the sidewalk project to purchase the lighted crosswalk signs and those were ordered today. They should be installed in about

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three to four weeks. These are the ones that you hit the button on one side and it starts flashing on both sides.

**Communications**

Mayor Monahan said he received an invite from the American Red Cross Delaware County Chapter inviting us to the Chapter's 2010 Heroes Breakfast. It is Tuesday, November 16<sup>th</sup> at 7:30 a.m. at Ohio Wesleyan, The tickets are \$25.00 and this will be in the Village Office if anyone is interested.

**Mayor's Report**

Mayor Monahan gave the following report:

Mayor Monahan said here is what Ed was talking about and in the communication business with Columbus, with Mark Cameron kind of moving it along, and what I think we are hitting is the size of Columbus. So Mark Cameron sent the following email.

**From:** Mark Cameron [mailto:MCameron@sandsdeckercps.com]

**Sent:** Thursday, November 04, 2010 11:51 AM

**To:** Mohn, Tina M.; Pat Monahan

**Cc:** Lorenz, Maureen; Brian M. Zets

**Subject:** RE: Shawnee Hills ROE

Good Morning Tina,

Our Survey Dept has revised the easement descriptions and exhibits to provide also for Temporary Easements as you requested. The revised descriptions and exhibits are attached to this email in PDF format. As for work limits, the contractor will be limited to the permanent and temporary easements only. As for start / finish dates, the contractor will start on City property the day that the ROE is authorized and plan to complete the installation and general restoration yet this year, weather permitting. If the weather prevents construction on any part of the system on City property the contractor will resume next year. Once the weather clears next spring and ground conditions allow, the contractor will continue and / or complete the propose work. The current contract provides for a project completion date of May 31<sup>st</sup> 2011. As for which location the contractor plans to start at first this (as I mentioned before) will be based on his mobilization abilities and will depend on what structures have been fabricated and are ready for installation. Being this late in the season, temporary seeding will be provided for any areas disturbed. As I also mentioned previously, erosion protection will be installed and maintained the contractor during the entire course of the project. I hope that the revised easements and the above information is what you are looking for. Also, do you happen to have any updates on the ROE draft?

If there is anything else you need please let me know.

Thanks again,

**Mark E. Cameron, P.S.**

Email I sent to Columbus yesterday in conjunction with the Right of Entry

**From:** Pat Monahan [mailto:pmonahan@columbus.rr.com]

**Sent:** Sunday, November 07, 2010 3:38 PM

**To:** 'Mark Cameron'; 'Mohn, Tina M.'

**Cc:** 'Lorenz, Maureen'; 'Brian M. Zets'; 'Ed Swanson'

**Subject:** RE: Shawnee Hills ROE

Tina we really need your help on Monday. Without the ROE the contractor is pulling out on Tuesday. Our residents will be left with looking at the construction mess throughout the winter.

When we completed our Conference call on 10-1 I was very encouraged and thought the cooperative effort between Shawnee Hills and Columbus had turned a corner on spirit of cooperation to best serve our communities.

Our Council took timely action to accommodate our agreement.

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We need the same thing from Columbus.

Thanks Tina!

Pat

Pat Monahan

Mayor Shawnee Hills, OH.

Following the 10-26 Planning and Zoning mtg. I sent this email to Ed and Mark on board mtg. procedures:

**From:** Pat Monahan [mailto:pmonahan@columbus.rr.com]

**Sent:** Tuesday, October 26, 2010 8:21 PM

**To:** 'Mark Katzenbach'; 'Ed Swanson'

**Subject:** Planning and Zoning mtgs. going forward

Mark and Ed I want to make sure our mtgs. are professional so this is what we need going forward:

- I have asked the board members to respond to the mtg. notice if they will be attending
- We must have the prior mtg. notes that require approval sent out with the mtg. notice and copies left on the table clearly marked. We found the unapproved minutes and we need to make this easier.
- We need A Staff Report with:
  - A clear explanation of what is being requested = including pictures/drawings where applicable.
  - A reference and copies of the applicable code (paper copies for each board member)
  - Any anomalies = Jim Ryan's property had an abandoned road (Gill) in it do we know he has a deed for it and does this get considered as 2 lots = what is Brian's review of that = in advance.
  - A staff recommendation.

Tonight was unclear and since Jim Ryan's lots included an abandoned road we passed it conditional on our Solicitor's review.

Please let me know if you would like to discuss this. We need to nail this going forward and your help is appreciated.

Thanks!

Pat

Mayor's Court Report Oct. 1<sup>st</sup> – Nov 5<sup>th</sup>

\$2,641.00 Balance Brought Forward

**Deposits:**

\$2,594.00 Traffic Receipts

\$2,594.00 Total Receipts

**Disbursements:**

\$130.50 Treasurer State of Ohio

\$110.00 Computer Fund

\$2,353.50 Village: General Fund

**\$2,594.00 Total Disbursements**

\$2,641.00 Adjusted – Balance Brought Forward

\$2,594.00 Disbursements

\$ 10.00 Outstanding Check # 1417, Marino-17523

**\$ 37.00 Balance Maintained in Checking**

Respectfully Submitted

Joyce A. Armstrong

Mayor's Court Clerk

We now have a list of suggested trees for planting in the Village that was submitted by Larry Burchfield.

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Shirley have you or can you submit a copy for inclusion on the Village website. Which I believe has been updated at this time.

I believe you have all received a copy of the Code Enforcement / Maintenance Report.

Please mark your calendar for the Employee Appreciation Dinner at Cedarbrook on Saturday Dec 4<sup>th</sup> from 6PM to 9PM. The food will again be provided by Shanghai Lilly the same as last year.

Shirley if you will please send out an email notice to the staff, Police, Council, board members (P+Z, ABR, BZA), Solicitor, Prosecutor Magistrate, Mayor's Court Clerk, and let them know it is self and their significant other. Soft drinks will be furnished and any alcohol will be purchased by the attendees (not a kids event). Thanks!

Please remember and remind everyone that this Saturday 11-13 at 11AM the Veterans Day celebration will take place. We will be honoring our Vets with a special honor of our Korean War Vets. Please attend it is a great event!

The Civic sponsored first ever Pub Crawl was a great event and kudos to Robin Fellure and Stacy McVan and all involved in making the event happen. As we toasted Tim Fellure it was just another reminder of why Shawnee Hills is a great place to live.

Please mark your calendar, the Tree Lighting will be Saturday December 11<sup>th</sup> at 7PM.

Mayor Monahan said there is a vacancy on the Planning and Zoning Commission as Dan Bogges has resigned due to traveling for work.

Mayor Monahan said he met with Columbus today on the Rain Garden trials and he will report more on this at the next meeting. Basically it was a good meeting and he stated clearly that this has no interference with existing stewardships down there. They talked about putting rain garden trials in, they talked about, the biggest issue that folks down there will always have is if you sell your property and you have a stewardship something's got to carry forward with it and right now if he buys a lot on the river they can take away everything and I have weeds up to my back door and that's one of the biggest things right there.

Mayor Monahan said we need to decide where we are headed with the building thing and all he wants to do is make sure it doesn't slip on the back burner. So far he has asked Bart to go ahead and try to come up with a single story building about 1800 square feet that we can build onto later. Council member Clippinger said she thinks it would be best if we put in a steering committee to move this forward. We are going to keep spinning our wheels if we don't. She asked Council to let her know who would be interested in sitting on this steering committee and they do not need to let her know tonight. We can put in a special committee for an extended period of time to get this process going. She said we need to be looking at some other options as well, as far as bonds. She sent Brian an email and she never in her wildest dreams thought there was so much to do with bonds and we will need the Solicitor's help going through this process as well. She said she is still not clear on the loans from the bank. Shirley said the law is that the banks cannot do mortgages to municipalities, they may do unsecured loans. Council member Clippinger said then we can get an unsecured loan. Shirley said all the banks she talked to has turned the Village down. Council member Dalvi said most people do that because they have some sort of ranking, but we are too small to be ranked and he asked what is the reason why we are

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getting turned down and how have we approached them, are we just sending queries or has someone actually gone in and had meetings with the banks. Shirley said she has met with them face to face. Council member Clippinger said she really would like to see us come up with a plan and even if we had to go to the voters, if they really wanted it, I know we are taking a chance, but there are bonds out there that we don't have to go to the voters.

Mayor Monahan said he and Ed met with John Peele from Aspen Energy today . His business is growing a lot and he is looking at the possibilities of what could happen if he had to add parking spots. They talked about some of the ideas that Service discussed at their meeting. We are going to get approached with this and he realizes that he will have to ask for a variance for this.

### **Pro Tem Report**

Pro Tem Clippinger gave the following report:

I attended the first Steering Committee meeting for the Upper Scioto Watershed Planning Partnership on November 3 in Dublin. Some highlights of that meeting are as follows:

We developed the goal language (mission statement) and selected goal(s) for the plan

We reviewed the Priority Area definitions from past Balanced Growth Plans

We developed and adopted the Priority Area definitions for the Priority Development Area (PDA)

The Steering Committee requested input from other Steering Committee members who were unable to attend the 11/3/10 meeting to help finalize the definitions of (1) *Priority Conservation Area (PCA)* and 2. *Priority Agricultural Area (PAA)*:

I have forwarded all information concerning this meeting to Council and the Mayor and will keep everyone informed as we move along. Our next meeting will be dedicated to working on the criteria that the maps will be based off of. Once that is established it will go to the full partnership for approval.

### **Committee Reports**

Council member Gauldin said that utilities did not meet but they will try to schedule something before the next Council meeting.

Council member Clippinger said that Finance met on October 15 and gave the following report:

We looked at the 2011 budget

-Salary adjustment for the Police Sergeant Position – we approved adjusting the Sergeants position to \$15.00 beginning January 1, 2011.

-Made a recommendation to work with the Delaware County Regional Planning Commission to update our Comprehensive Plan Update during 2011 to take to Council to approve the budget for this process. The estimated cost is \$8,000.00 – 10,000.00 and we recommend doing this as a resolution.

We looked at quotes on the truck and the street lights and signs. Mart Katzenbach was there and the Mayor and the Chief also. Mark K gave us quotes for a Ford F-450 truck with a dump bed and we also looked at street lighting quotes. The truck is not being recommended for purchase in 2011 but Finance wanted to get a head start on looking at quotes for a Village truck equipped with a dump bed. It was moved to purchase the cross walk flashing signs at \$6,000.00 when we get the final bill from the sidewalk project. We ask that this be done as soon as possible and the Mayor will follow up with the sidewalk company to expedite the final bill.

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We also went over the RITA Top 25 and Shirley was going to contact RITA to inquire about the Time Warner variance.

We went over the Engineer and Solicitor's bills year to date and they are on track for the year.

We set the salary for the Chief of Police position and we recommend that the Chief's position become a salaried position with a starting pay of \$42,000.00.

We also looked at the debt ratio, the loan payments and we discussed our debt ceiling briefly.

We also requested an overtime audit for the employee's year to date. There is quite a bit of overtime accumulated and the Mayor will follow up on this. Finance will be looking at the overtime on a regular basis and recommends that the administration keep this under control. Mayor Monahan said you are really talking comp time, which is what it really is. Council member Clippinger said it is time and a half overtime. Mayor Monahan said he and the Chief met on this and they are working it in.

We also went over the Right of Way ordinance and recommended that we budget for the Solicitor's time to look over our current ordinance and get the Village up to date with right of way fees and collection process.

### **Legislative Actions**

Third Reading- Ordinance 22-2010 – Sponsored by Mayor Monahan – An Ordinance to amend Section 147 of the Codified Ordinances of the Village of Shawnee Hills, Ohio. This removed the fact that the Code Enforcement Officer would take minutes at the meeting and it also added that the applicant or his representative shall be present at the meeting when the application is being heard. It was moved by Gauldin, seconded by Garren to pass Ordinance 22-1010. Following vote on the motion was recorded: yea, 6; Callender, Clippinger, Dalvi, Garren, Gauldin and McVan. Nay, none. Chair declared ordinance 22-2010 passed by a 6-0 vote.

It was moved by Clippinger, seconded by Gauldin to remove Resolution 41-2010 from the table. Following vote on the motion was recorded: yea, 6; Callender, Clippinger, Dalvi, Garren, Gauldin and McVan. Nay, none. Chair declared the motion passed by a 6-0 vote.

Second Reading – Resolution 41-2010 – Amended - Sponsored by Mayor Monahan and the Safety Committee – A Resolution confirming the final appointment of Sean LeFever as Chief of Police for the Village of Shawnee Hills, Ohio and declaring an emergency. It was moved by Garren, 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 McVan. Nay, none. Chair declared the motion passed by a 6-0 vote. It was moved by Gauldin, seconded by Dalvi to pass Resolution 41-2010. Following vote on the motion was recorded: yea, 6; Callender, Clippinger, Dalvi, Garren, Gauldin and McVan. Nay, none. Chair declared Resolution 41-2010 passed by a 6-0 vote.

Third Reading – Resolution 42-2010 – Amended - A Resolution to hire Richard Ey as a maintenance/backup snow plow driver for the Village of Shawnee Hills, Ohio. Mayor Monahan said last time we had a discussion and Ed you worked on writing up some rules on this? Ed said he has not done that yet. Council member

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Clippinger asked if a background check had been done. Ed said the Police checked his driving record and did a criminal check. Ed said he followed up with his previous and his current employers. Chief LeFever said that he had a clean background check. Council member Clippinger said from what she is reading, he is going to back up Mark on snow plowing. Ed said we are going to use him for when Mark is on vacation or needs help. She asked how many hours are we talking about. Ed said that a contract has to be written up as there is not a good category in our employee manual for him to fall into so it has to be a contract. Council member Gauldin said he should be a project specific employee/seasonal and our handbook said that that position requires a contract. Council member Dalvi said if you are going to hire him under a contract then the resolution shall specifically state that. Council member Gauldin said the resolution specifies a project specific employee/seasonal and when you go to our handbook, our handbook says that that requires a contract. Council member Dalvi asked how are we going to pay him, under what category, is it a W-2 or a 1099. Council member Clippinger said she looked at our employee manual and really he would fall under the contract if you do that but in reality he will be a temporary employee because a temporary employee comes in from time to time to back up a full time employee but we do not have that language. Ed said he will work with Brian on the contract. Since the contract is not ready yet, it was moved by Clippinger, seconded by Garren to table Resolution 42-2010. Following vote on the motion was recorded: yea, 6; Callender, Clippinger, Dalvi, Garren, Gauldin and McVan. Nay, none. Chair declared the motion passed by a 6-0 vote.

Second Reading- Ordinance 21-2010 – Sponsored by the Finance Committee – An Ordinance to reappropriate funds for current expenses and other expenditures of the Village of Shawnee Hills, State of Ohio, during the fiscal year ending December 31, 2010

Second Reading – Ordinance 23-2010 – Sponsored by The Finance Committee – An Ordinance to appropriate funds for current expenses and other expenditures of the Village of Shawnee Hills, State of Ohio, during the fiscal year ending December 31, 2011.

Second Reading – Resolution 44-2010 – Sponsored by Mayor Monahan and the Finance Committee – A Resolution to increase the rate of pay for Christopher Venrick, Police Officer for the Village of Shawnee Hills, Ohio

### **Bills**

It was moved by Gauldin, seconded by Callender to pay the bills in the amount of \$115,507.12. Council member Garren asked what the payment to Delaware County Bank was for. Shirley said it was for payroll, fed tax withholdings. Council member Dalvi asked how much was principal and how much was interest on the Rural Development payment. Shirley said interest is 74,684.25 and principal is 21,900.00. Council member Dalvi asked what is the rate on this. Shirley said 4.5%. Council member Callender asked about the new garage door. Shirley said it was completely broken, the top panel was bowed and they could not open or close the door. Council member Dalvi said he still thinks that we need to hire someone or reach out to someone about how we can refinance this Rural Development loan and I am trying to figure out what this is. Shirley said it is a Mortgage Revenue Bond. Council member Dalvi asked if this could be paid off at any time. Shirley said she thought so and that was what Jim Danes was trying to do for us and he was not able to get anywhere. Following vote on the motion was recorded: yea, 6; Callender, Clippinger, Dalvi, Garren, Gauldin and McVan. Nay, none. Chair declared the motion passed by a 6-0 vote.

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**Treasurer's Report**

It was moved by Clippinger, seconded by Garren to approve the following treasurer's report: General Fund 243,040.22, Street Fund 36,631.70, State Highway Fund 3,660.74, Enforcement and Education Fund 1,800.00, Mayor's Court Computer Fund 7,349.67, Fire Fund 172,654.68, Weed Fund 7,966.99, TIF Fund 4,088.81, Veteran's Memorial Fund 473.18, Building Expansion Fund 700.00, Capital Projects Fund 4,051.00, Sewer operating Fund 93,131.12, Sewer Replacement Fund 14,000.00, Storm Sewer Fund 9,851.80, Enterprise Debt Service Fund 90,450.73, and enterprise Debt Service Reserve Fund 96,631.68 for a total of \$786,482.32. Following vote on the motion was recorded: yea, 6; Callender, Clippinger, Dalvi, Garren, Gauldin and McVan. Nay, none. Chair declared the motion passed by a 6-0 vote.

**Executive Session**

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

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

**Miscellaneous**

It was moved by Clippinger, seconded by Gauldin to have the solicitor extend a purchase offer to Jim Bowers to buy lots numbers 2537 and 2538 for \$6,000.00. Following vote on the motion was recorded: yea, 6; Callender, Clippinger, Dalvi, Garren, Gauldin and McVan. Nay, none. Chair declared the motion passed by a 6-0 vote.

Council member Gauldin said if we can just issue a quick thank you to Larry for the list of trees, I'm sure that took more than a minute to do. Mayor Monahan said he will send him another thank you.

Council member Gauldin said he received a lot of compliments about Halloween; people really appreciated seeing the police out.

Council member Callender said that Concord Township Fire Department was also in the Village and we should send a thank you to them also.

There being no further business, it was moved by Garren, seconded by Gauldin to adjourn until November 22, 2010. Following vote on the motion was recorded: yea, 6; Callender, Clippinger, Dalvi, Garren, Gauldin and McVan. Nay, none. Chair declared the meeting adjourned at 8:11 p.m.

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Fiscal Officer

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Mayor