

Village of Shawnee Hills Council Meeting

March 28, 2011

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 and Solicitor Brian Zets

It was moved by Garren, seconded by Dalvi to approve the minutes of March 14, 2011 with the following amendments: on page 6 – Pro Tem report, 5th sentence change the word the to that and on the last page change the word everyone to everywhere. Following vote on the motion was recorded: yea, 5 Clippinger, Dalvi, Garren, Gauldin and McVan. Nay, none. Abstain, one; Callender. Chair declared the motion passed by a 5-0 vote.

It was moved by Gauldin, seconded by McVan to approve the agenda with the following amendments: remove #7 as the administrator is absent and add the second reading of Resolution 05-2011. 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 worked with Ed on the storm sewer easements and he thinks he got them all taken care of. There was one that was held by a guardian of the estate, so there was some legal maneuvering that had to be done. He said he started to work on the impact fees. He will get some general layouts to Council soon. He fielded some general calls from the Chief on some general issues. He worked with Shirley today on a public records request and most importantly he received a call from an attorney, Rod Davidson, who is also the Mayor of Obetz and he used to be an attorney at his firm, long before he was there, and he called him up and said he is working on a project where Brian is the solicitor and he said he has Legacy Design. Rod said he does not have any information from the guys at Legacy but he knows they have some problems. Brian said he knows there is a pipe on their property and they have some issues. Brian told Council that he will keep them updated when he calls again. Council member Dalvi said that is still not resolved. Brain said it is resolved in this room, it's not resolved at other places. Council member Dalvi asked if we keep track of all the public record requests. Shirley said yes.

Mayor Monahan said he has asked that we put on the agenda for Planning and Zoning the impact fees. It might be a good place to start that so if we have it in time for their next meeting on April 26th. Brian said he will have information way before then. Council member Clippinger asked Brian about the Right of Way Ordinance and if he had worked on it at all or what should we be doing with it. She said this is a large project for us and she is still not clear on if Brian just wants to look at it. Brian said the Right of Way Ordinance on the books right now is not exemplary of right of way ordinances all around here. He said whatever committee wants to take a look at something more updated like the Kirkersville ordinance, which is like Dublin's, more up to date. He thinks we should do a whole change instead of cut and edit and revise what is on the books

right now, it would probably be more difficult an exercise as opposed to saying here's how places do it, here's what they charge for the permits. That's his opinion, just change the whole section. Council member Clippinger asked if this should go back to Finance, we have discussed it in Finance but we have not really picked it apart. Brian said you can do that. Brian said the one he drafted for Kirkersville, he looked at a lot of different ones, they are all very similar, and the fees are all consistent with other municipalities.

Police Chief Report

Chief LeFever said that he and another representative of the department went to the Delaware County Criminal Justice Association meeting about two weeks ago. This meeting consisted of representatives from all around the State of Ohio, ranging from Homeland Security, Chief of Westerville, Chief of Columbus, pretty much everybody who's who in administration in law enforcement on a Federal, State and Local level. Some of the things they discussed in this meeting were some of the county wide mutual aid agreements. They have been quite dated and he brought a copy tonight for Brian to take a look at what he just received today. What they are doing now is submitting a county wide mutual aid agreement to all agencies to review and basically we already have that but the wording is a little old and dated. He said this was also something that the insurance company had recommended to us in our audit, was to try to review this mutual aid agreement, so the timing on this has worked out pretty well. So as soon as we get more on this he will pass it on to Council. He said he made a lot of good contacts at this meeting that will benefit us on training and working relationship levels as well. Chief LeFever said they took most of the cruisers in to have them all checked, they did a thorough inspection of the cruisers, made sure that any maintenance was taken care of. He said there are a couple of recalls on both of the Chargers, so those have been scheduled to have the recalls taken care of. This explains some of the problems that we have had with the lights and other things so that is in the works. He said on the topic of training, we had an armors class, that he had mentioned to Council previously, that they were going to be hosting one. They brought in an outside company and hosted a class. This is for law enforcement. We had people here from Cincinnati, from up near Cleveland, great training environment, wonderful instructor came in from Minnesota. Four of our officers were certified while the trainer was here and being able to armor our shotguns and our rifles here in the department. In return for hosting this training, which basically cost us rental of the Civic Building for three days, provided us with a patrol rifle valued at \$1,100.00 which was on our list to buy this year. Chief LeFever said they are going to be working with them again to see what other things we can bring back. It is a great networking environment also. He said they also held their ASP Baton training to make sure that all officers are trained, since we have had several changes in our staff, we've had some come from various agencies and we have some new officers that have no experience whatsoever on the street. Sergeant Ekleberry is an ASP Baton instructor and we wanted to make sure that everyone is certified up to the minimum standards and we went a little above and beyond that as well and everyone has their official ASP Baton certifications. That was also something that our insurance rep brought up, to continue our yearly training on the equipment. Chief LeFever said the CPT program is a continuing professional training program that the State of Ohio has offered for many years has been cancelled as of this year. He estimates that's about a \$2,800.00 to \$3,200.00 loss in next year's training budget as a result of this program being discontinued. This program requires police officers to go through required set amount of training each year. For every officer on your staff that completes that training as required, one, it ensures that they are keeping their certifications

active at all times and two, it allows the State to award us a training refund and we could use those funds for training the next year. We have received as little as \$200.00 some years and as high as \$1,000.00. This year would have been by far the biggest year but we received notification last week that the program had been cancelled. There will still be a requirement for the officer to do continuing education training but the awards will not be given. He said they did do some basic security improvements around the office. They did cover up some of the materials out in the garage that had been damaged. They put a lot of stuff in Rubbermaid containers and things like that to help preserve documents and other things that they are not able to store inside. They also changed the inner locks in the Police Department just to limit the access. The Mayor has been provided with a key and Shirley will also have a key available to her but otherwise we are keeping everything secure in there for operational security. Mayor Monahan said they do not want anyone in there if the Police are not there. Chief Lefever said door codes were changed also. Council member Gauldin asked the Chief if they could get on some sort of data base so that we can get a direct letter on any type of recalls. Chief LeFever said he made a call to the Police Fleet department and they are not aware of any such program so the Chief called Dodge and they have a warranty mailing list so we have been added to that database.

Visitors

Greg Bertison, representing the Bogey Inn, said that one thing he does want to make note of is that they are going to be back here next year too. He said the group he represents is actually purchasing the real estate, not just the business so long term they want to be a good neighbor, come in, set it up and be well thought of in the community instead of the blight that it seems to have become. Mayor Monahan said that even means cutting weeds. Greg said yes, he has personally picked up all the trash in the parking lot and down all the way in the park. He said they are putting a lot of money into this and they are going to relaunch it, it's not just going to be opening up the doors and saying we are back. He said this is their first year for the tournament and they are going to do what has been done in the past and he provided Council with a copy of the map showing the stage and tent areas. He said the stage will be placed in the same direction as last year. He said he did see in the minutes that Council did make a motion to lower the decibels to 85 from 110. Mayor Monahan said we would never pass 110. He said they always ask for 110 but it is never passed at that. Greg said from what he understands from his last meeting with Dublin, is that they take a measure inside and they also take it at the first property line at the first home that is directly across from the Bogey. He said if the Village gets any complaints they will work with us and make adjustments if necessary. Council member McVan asked if they were going to be open full time. Greg said yes, he said they have hired the general manager from the Brazenhead, Dublin so they are going in and hiring the right people, hiring the chef. They are totally revamping the kitchen and they are going to have a full service menu somewhat similar to the Rusty Bucket with an emphasis on pizzas as well. Volleyball is in full swing, they will be starting May 9th. He said they have raised the roof in the main bar area, to the left side of the bar there was only one pass through and they have opened that up into three pass-through's and they have enlarged the area that goes into the main dining room to eight feet. They are also planning a garage door for the back main dining room going out to the patio so it is going to completely improve the traffic flow and hopefully make it a much better experience for everybody. Council member Callender asked if they were going to have live bands. Greg said they are planning on that and they would like to improve the stage outside and try to do sound mitigation to help alleviate any problems for the neighbors and possibly build a clamshell roof

over the stage or some additional fencing along that side to mitigate the sound. Council member Gauldin said we had a visitor a couple of years ago that understood sound and he might be able to help them with that.

Communications

Mayor Monahan gave the following report:

From: Jason Mather [mailto:jason.mather@gmail.com]

Sent: Monday, March 21, 2011 10:38 AM

To: DKMM

Cc: Pat Monahan

Subject: Recycling Drop-Off Locations

I would like to suggest that DKMM explore a recycling drop-off at the Safari Golf Course across from the Columbus Zoo. I recently noticed recycling bins at another City of Columbus-owned golf course and feel it would be a great location for this underserved part of Delaware County.

Thanks!

Jason W. Mather

I did receive a notice from The Ohio Municipal League about mandatory Mayor's Court Refresher Training.

Since I don't hear Mayor's Court and we have a Magistrate my question to Brian is does our magistrate have to attend this training?

Mayor's Report

Mayor Monahan gave the following report:

On March the 17th we lost one of our Senior Citizens with the passing of Eleanore Burnes. She was 82 years old. Some of you may know Mrs. Burnes as the lady who use to sit on the porch at the Rae's home and wave to people who stopped at the stop sign.

I will like to welcome to the Village our newest resident our Grandson Colin Ryan Winter who was born last Monday at 11:01PM.

On the agenda for your consideration is Resolution 07- 2011 for the sponsoring of a Village picnic. On Sunday July 10th this year our Village will be 70 yrs old and think if at all possible that would be a great day for us all to celebrate the Anniversary.

On Wed. the 23rd I participated in the national Mayor's for Meals on Wheels and volunteered with the Delaware Council for Older Adults program. This is the 3rd time I have done this and every time a gain more respect for the great job they do for our seniors.

Officer Joe Oche (alias Tuesday Joe) has decided to retire from Police work. Joe was an A unit for the Village for 14 years and was a regular every Tuesday morning. I want to thank Joe for is years of dedication and service to the Village.

Today Sgt. Chris Venrick resigned from the Shawnee Hills Police and we will be discussing this in our Executive session tonight.

We received a copy of the Regional Income Tax Agency report of the Top 25. I know Finance looks this over.

I would ask that Shirley request an audit of Bakers, Strader's because of negative deviations in 2011 from 2010. I would also ask that RITA check Aspen Energy since no income tax has shown so far for 2011. My suspicion is that it could be going to Powell. If that is so we do expect to have the taxes returned to the Village.

Ed will cover this when he returns but the drainage project along Shawnee Trail will resume the week of April 18th.

I have asked Mark K to add two items to the agenda of Planning and Zoning for the April mtg. Yvonne resurfaced something that we had worked on in 2004 = Impact Fees and I agree with her this may be the right time to start looking into them again.

- 1) I also asked that we review and propose under driveway drainage piping requirements.
- 2) We started working on this in 2004 and I believe due to some recent developments we need to investigate and propose legislation that requires drainage unless it is exempted. We also probably need a final (before occupancy is granted) inspection and sign off by our Village Administrator or Code Enforcement Officer.

I was at the AT&T store following the demise of my cellphone and picked up 5 copies (sorry) of the notice that Dublin put out concerning their Ordinance 72,058 which was amended to prohibit "sending, reading, or writing a text message or accessing the internet while driving in Dublin Ohio".

Yvonne and I had an email exchange about the state potentially addressing a state wide Texting ban. I am a bit skeptical or the timing of the state addressing and agree with a suggestion made by Mahesh that we look at legislation to prohibit texting so someone leaving Dublin entering the Village believing they can now start texting.

I would ask the Safety Committee to address this at the April mtg. and consider sponsoring no texting while driving legislation.

Code Enforcement has issued correspondence to a couple of the businesses concerning the condition of their parking lots.

I will be on vacation and not able to attend the Safety Committee mtg. on April 5th.

I would ask that Safety address the parking on Buckeye Dr. and I will ask the Chief to help represent this.

Some of the information that may help: (pass out handout)

NOT INCLUDED IN READING INTO THE MINUTES:

Dead end streets	# houses	Length	Width
E. Canoe	0	1/10 mile	16 ft.
E. Reindeer	1	1/10 mile	20 ft. (small section)
E. Oneida	1	1/10 mile	12 ft
E Wilma	3E + 1WE	2 /10 mile + 1/10 mile	20 ft.

E. Iroquois	5	2/10 mile	12 ft
E Parkview	4	2/10 mile	9 ft.
E. Hiawatha	8	2.5 /10 mile	12 ft.
W. Seneca	3	2/10 mile	14 ft.
W. Canoe	1	1/10 mile	20 ft.
Hillcrest	2	1/10 mile	20 ft.
Buckeye	31	6/10 mile	16 ft.

I called and left a message with Dave Efland today asking when the Priestino's and E. Pawnee properties were being demolished. More to come on this!

From: Brown, Dottie [mailto:DBrown@co.delaware.oh.us]

Sent: Monday, March 28, 2011 9:43 AM

To: pat.monahan@shawneehillsoh.org

Subject: FW: Demolition Delaware

Mayor,

Please see below answer I received from Julie Smith, Ohio Regional Development Corp (ORDC), the firm that is administering the demos.

The City is the lead entity in the NSP grant, so we are waiting for them to give the go ahead to ORDC.

The number for ORDC is 1-800-581-3247 and the City is 740-203-1600 (Dave Efland) if you would like to speak to them directly.

Sorry, I can't be more helpful.

Dottie

Pro Tem Report

Pro Tem Gauldin said he has already heard good things about the chipper day pickup, not that it has been completed yet as there was quite a bit of things to be chipped up around the Village. He said a couple of residents have stopped and said to him that even though they have not got to their house yet they were very happy to know that it was going to be taken care of and they appreciate being in a place that took care of those types of things.

The second thing that he had on his list is did we get any information about the \$2,000.00 that Virginia Farneman was curious about. Shirley said she was out of town last week and has not had a chance to look into this.

Committee Reports

Council member Clippinger said the comprehensive plan review committee met and went over the description of the process of what we are going to be doing. We discussed the goals and objective survey and we are going to be sending out a survey to Council members and to all of the members on the Boards. We will also have a survey here during a Council meeting so that people that are here can fill it out if they wish. She said that will be done soon. She said they went over the data sources needed for the future chapters, questions for future editorial use and we started on Chapters 1 and 2 to look at those and we also went over the GIS map checklist. The next meeting is scheduled for April 12 at 7:00 p.m.

Council member McVan said the reason he did not give a report last time for the Building Committee is that he was still jockeying back and forth with both representatives and literally it was two days after the last Council meeting that he finally got everything nailed down. They both reluctantly agreed for the \$1,000.00 to work on a plan for the municipal building and they both said it would be 4-6 weeks before they could have something back to us.

Legislative Actions

Third Reading - Resolution 03-2011 – Sponsored by Village Administrator - A Resolution to increase the rate of pay for Mark Katzenbach, Code Enforcement Officer, Snow Plow and Maintenance for the Village of Shawnee Hills, Ohio. It was moved by Gauldin, seconded by Dalvi to pass Resolution 03-2011. 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 06-2011 –Amended - An Ordinance 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. It was moved by Gauldin, seconded by Garren to amend this ordinance to remove the wording and to declare an emergency from the heading. 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 07-2011 – An Ordinance to amend Section 1133.01(b) of the Codified Ordinances of the Village of Shawnee Hills, Proceedings of the Board of Zoning Appeals. Mayor Monahan said this is where it requires them to elect a chair person each year.

Second Reading- Resolution 04-2011 – Amended - A Resolution to renew the health care insurance for the full time employees of the Village of Shawnee Hills, Ohio and declaring an emergency. It was moved by Clippinger, seconded by Garren 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 McVan to pass Resolution 04-2011. Following vote on the motion was recorded: yea, 6; Callender, Clippinger, Dalvi, Garren, Gauldin and McVan. Nay, none. Chair declared Resolution 04-2011 passed by a 6-0 vote.

First Reading- Resolution 06-2011 – A Resolution that the Village of Shawnee Hills host a Village wide summer picnic at the Ohio Wildlife Center to celebrate 70 years as a Village. Council member Dalvi said since we want to have this on an annual basis should we say we are going to have an annual summer picnic. Council member Clippinger said that might not always happen and she thinks it should come before Council every time because we are not going to be here forever.

First Reading- Resolution 07-2011 – A Resolution to authorize the Administrator to enter into a contract with Kincaid Wastewater Services, Inc as the Operator of the Sanitary Sewer Pump Station for the Village of Shawnee Hills, Ohio. Mayor Monahan said he asked if Utilities could take a look at this and he recognizes that Ed is out and we have a lot of things going on and he

wants Ed to go back to John to see if there are any changes in his contract. Council member Clippinger said that is what she wants to know before they do anything more on this, what's the price, this is not complete.

Second Reading – Resolution 05-2011 – In the matter of accepting the report of the Village of Shawnee Hills Tax Incentive Review Council (TIRC) on the status of the Tax Increment Financing (TIF) area program for program year 2010 and to accept the recommendations of the TIRC and declaring an emergency. It was moved by Clippinger, seconded by McVan 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 Clippinger, seconded by Gauldin to pass Resolution 05-2011. Following vote on the motion was recorded: yea, 6; Callender, Clippinger, Dalvi, Garren, Gauldin and McVan. Nay, none. Chair declared Resolution 05-2011 passed by a 6-0 vote.

Bills

It was moved by Gauldin, seconded by Clippinger to pay the bills in the amount of \$15,471.77. 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.

Treasurer's Report

It was moved by Callender, seconded by McVan to approve the following Treasurer's report: General Fund 144,016.66, Street Fund 69,646.20, State Highway Fund 4,581.78, Enforcement and Education Fund 2,060.00, Computer Fund 8,025.67, Fire Fund 117,213.75, Weed Fund 11,153.20, TIF Fund 14,761.09, Veteran's Memorial Fund 525.94, Building Expansion Fund 700.00, Capital Projects Fund 108,916.00, Sewer Operating Fund 52,663.27, Sewer Replacement Fund 54,000.00, Storm Sewer Fund 11,215.45, Debt Service Fund 35,267.92 and Debt Service Reserve Fund 97,604.48 for a total of \$732,351.41. 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 Gauldin, seconded by Clippinger to adjourn from regular session and move into executive session to discuss personnel issues. 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 Clippinger to adjourn from executive 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.

It was moved by Gauldin, seconded by Clippinger to 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.

There being no further business, it was moved by Gauldin, seconded by Garren to adjourn until April 11, 2011. Following vote on the motion was recorded: yea, 6; Callender, Clippinger, Dalvi, Garren, Gauldin and McVan. Nay, none. Chair declared the meeting adjourned at 8:10 p.m.

Fiscal Officer

Mayor