

## Village of Shawnee Hills Council Meeting

May 9, 2011

Mayor Monahan called the meeting to order at 7:00 p.m.

Council in Attendance: Charlie Callender, Mahesh Dalvi, Kris Garren, James Gauldin and Mike McVan

Absent: Yvonne Clippinger

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

It was moved by Gauldin, seconded by Dalvi to approve the minutes with the following amendments: on page 3 change the wording to say the contractor wants this, on page 3 it should say that Officer Burnes is going to bring back info on an AED so that we can purchase one this year and also that the Mayor did return the phone call from Charlie Gear. Following vote on the motion was recorded: yea, 4; Dalvi, Garren, Gauldin and McVan. Nay, none. Abstain, one: Callender. Chair declared the motion passed by a 4-0 vote.

It was moved by Gauldin, seconded by Callender to approve the agenda. Following vote on the motion was recorded: yea, 5; Callender, Dalvi, Garren, Gauldin and McVan. Nay, none. Chair declared the motion passed by a 5-0 vote.

### **Solicitor**

Brian Zets said that he spoke with Yvonne and she asked him to attend the Planning and Zoning meeting on May 24 to talk about the impact fees and he told her that he would with the assumption that the trial he has set for that day will not go forward. He said he worked on a few things with respect to the Legacy Design property. He started to work with Ed on that a little bit. There will be more to come on that. Handled various questions from the Mayor the last two weeks, worked on a couple of pieces of legislation of which one is before Council tonight, the Texting Ban legislation and he also worked with the Chief on Resisting Arrest, that is not in front of you tonight. He said he has some comments and questions about Ordinance 08-2011 and he will save those for when the reading comes up.

### **Village Administrator**

Ed Swanson said the storm water project is behind due to the very rainy weather. They have asked for an extension due to some extenuating circumstances. The catch basins have to be custom made and the company that makes them is E. C. Babbert and they are behind about 4 to 5 weeks. Ed said he and Mark Cameron from CPS Engineering talked about the extension request and Mark did call E. C. Babbert to verify the time frame for making these catch basins with them. Ed said he had two conversations with Abbey DeHart and Sue Spiker from the state funding agency and they have given us an extension on the grant. Ed said he has asked Mark Cameron to prepare a change order granting Stortz Excavation an extension to complete this

work. The previous deadline was May 31 and we are extending this until July 13<sup>th</sup> so they should be done and out of here by the 15<sup>th</sup>. Ed said, on the streets, we need to start looking at the streets to determine which ones need to be repaired this year. He said it will be a week or two before he can get out there to look at the streets so if the Service Committee wants to get started on this they can. He said we have time to get this done and he knows no one likes to do an emergency measure but three readings slow the process down to get the bid out. Mayor Monahan said so let's get rolling. Council member Garren asked if there could be legislation for the next meeting. Ed asked Brian if they could get a resolution on the agenda authorizing the Administrator and the Engineer to put the street project out for bid without having a dollar amount. Brian said that you could do that by saying authorizing the bid of the street project according to the specifications on file, so once you figure out you need A, B, and C streets that will become the bid document so you can do sort of a generic resolution to put that out for bid. Council member Gauldin asked if those streets that are going out for bid are going to be run through the committee before going out for bid. Ed said yes.

Ed said the Chief asked him several weeks or months ago about putting a street light up on Glick Road between Cedarbrook and BCS Boats. The cost to do this is about \$1600.00 and he said he is not opposed to that but he hates to see this come out of the street fund because there is so much road work to be done and he would like to see this cost come out of the General Fund if Council opts to go that way. He said the other thing is he would like to get more money for the street fund out of the general fund if Council would consider that. He said there is a lot of damage done and here's what happens if we don't overlay, there is a lot of stuff that can be overlaid right now with an 1 1/2" of asphalt. If we do this sooner rather than later, if we wait until next year on some of these areas we are looking at full depth reclamation which is approximately 4 times the cost of an overlay so the more we can do this year will save us in the long run.

Council member Callender said that he has not driven around and looked at the roads but he can say his road, where he thought it was really pretty bad through the winter, it has gone down and it doesn't seem as bad so maybe some of the other roads aren't as bad as we thought.

Council member Gauldin said that the cost of the light at Glick and Shawnee Trail is \$1,600.00. Do you think one is going to be enough for that area? Ed said we have gotten by without one for many years and he thinks one will be enough. Council member Gauldin suggested going to the new owners of the Bogey and asking them if they would be interested in helping with this cost. He also asked Ed if he had heard anything about the land we were trying to purchase. Ed said he talked to the attorney and they do not want to do anything right now.

### **Police Chief Report**

Chief LeFever said the purpose of Mutual Aid is an agreement between all local law enforcement or as many local law enforcement agencies as possible to assist each other in time of emergency or critical incident. He said we are currently under a mutual aid agreement so the real difference in this one versus the existing one is that there are more departments participating this time around and our officers would have the ability to arrest offenders in other areas if need be instead of just detaining them as we do now. He said the wording; everything is pretty much the same as it was in the agreement we are under, one of the problems that we have is that the mutual aid that was in place hasn't been reviewed for several years and so Delaware County and the Delaware County Criminal Justice Association, which Shawnee Hills and myself are a member of, agreed it was time to review this. Chief said that the only two things that are changing from what we have now versus what we have here in front of us was the ability to

arrest offenders instead of detention and the ability to work with multiple departments, I don't believe we had Columbus in the current agreement but Columbus is now going to be involved because of Glick Park and other areas. We didn't have a lot of the smaller departments like Ostrander, but that's basically the purpose of the Mutual Aid agreement. He said as far as the day to day operations of the Shawnee Hills Police Department there is really no change. We are going to do the same patrolling we do, we respond to the same calls and if we are asked to assist the County or another agency under mutual aid we usually try to accommodate them unless there is some reason that we cannot extend that courtesy. Council member Garren asked the Chief to explain why this needs to be an emergency. Chief LeFever said what the circumstance was; we met about 60 days ago, the Delaware County Criminal Justice Association, we reviewed this, we went over the wording and at that point in time there were some revisions made by the Delaware County Prosecutors office and some other legal staff. Once they gave us the copy that we have, he presented it to Brian and it was reviewed by Brian and the Chief was advised to try to get it taken care of as soon as they could because the mutual aid they are under right now is pretty dated so it really wasn't an emergency on his time frame, so to speak, but more of an emergency just to get our end signed because several other agencies already have theirs signed and the goal was to ideally have this come up at the next Delaware County Criminal Justice Association meeting where we would all be able to present agreed upon copies by our solicitors, by our Council etc. and be able to enter into an agreement at that time. Council member Garren asked when that is. Chief LeFever said they haven't set the date yet but it will be in June for sure and it is usually around the second week of June so we are kind of pressed for time.

### **Communications**

Mayor Monahan gave the following report:

I received a copy of the Delaware General Health District 2010 Annual Report.

I will give it to Shirley if anyone wants to look it over it will be in the office.

I received a copy of a proposal from the Public Entities Pool of Ohio. Without an accompanying note I will need someone to explain the proposal = Shirley do you know? Shirley said it was the Village insurance renewal which is on the agenda tonight.

### **Mayor's Report**

Mayor Monahan gave the following report:

I received the below and have referred it to Utilities to investigate

Good morning Mayor Monahan,

My company, Eriyah Green Matrix, is seeking opportunities to work with communities to turn brownfields and other community-owned vacant land into solar farms; effectively transitioning the community of consumers into renewable energy producers. I understand that the Village of Shawnee Hills is now taking initiatives towards greener program operations that are very complementary with our goals and believe we could offer solutions for reducing the expenses of operating your sewage treatment as well. Can you also send me the address of the sewage treatment plant? (I would like to do a virtual sight survey via Google Earth)

This year, our financial partner EvoEarth, has a program specifically structured to assist communities in controlling electricity costs by converting vacant land and underutilized roofs and carports over parking spaces into solar and wind farms feeding the reduced cost electricity into the electrical grid. If the land for the solar farm is on a brownfield, EvoEarth will pay the costs to remediate the land. If the solar farm is to be installed on land that does not need to be remediated, EvoEarth would pay the village to lease the land. The program is structured as a solar power purchase agreement and offers several other advantages to the community;

- Requires no capital investment
- Introduces renewable energy resources into the electrical grid
- Receives an immediate savings on the per kilowatt hour rate compared to the current utility company rate
- Hedges against future rate hikes
- Makes Shawnee Hill's environmental commitment clear to the public
- Significantly reduces Shawnee Hill's carbon footprint

As you can see, this program offers a substantial opportunity for your village. I look forward to an appointment and discussing how we can work together to meet your community's greener goals.

Thank you in advance for connecting me with decision makers on your team to discuss when would be a good date and time to meet and discuss our programs with them.

Very respectfully,  
Eriyah Flynn  
Eriyah Green Matrix  
Authorized agent for Evo Earth

Charlie responded that he Utility Committee was mtg. on the 16th and suggested they come discuss the possibilities' with them. I forwarded the email to Ms. Flynn and asked she communicate with the members of the Utilities Committee. Since I used to work with her at Qwest I will step out of this discussion so there is no conflict of interest.

Council member Dalvi said one other company came with a similar thing around the solar thing for the Village and he did not bring it up because he said we do not have a policy regarding solar energy farms. We have to have a conversation regarding this before we start bringing companies in. Mayor Monahan said he does not think a solar farm would work due to our lack of land however he doesn't know if it doesn't work but he does know if you can put something on top of a building, he thinks whoever the company is we ought to start a discussion so we know more about it. Council member Dalvi said we need to figure out what is our policy because traditionally the idea was you need some land to put on solar farms but the newer technology says you really don't need that you can connect it, they can put it on all our roofs, he said he can now go and put a solar roof on and no one can stop him, there is nothing in our law preventing solar roofs. He said he is in favor of listening to the new ideas. Council member Gauldin said that the technology is changing so much now that we have to listen to what is new today and let's open that subject back up.

I received confirmation from The Ohio Wildlife Center that we are confirmed for the 17<sup>th</sup> of July for the Village picnic celebrating our 70 years as a Village.

**From:** Bryane Roberts [mailto:broberts@ohiowildlifecenter.org]

**Sent:** Saturday, April 30, 2011 11:28 AM

**To:** Pat Monahan

**Cc:** Stacy McVan; Roskoski, Shirley; Mahesh Dalvi

**Subject:** RE: July 17th it is

Fantastic news! It's on our calendar. Looking forward to another great event  
Bryane

At our Safety Committee mtg. on the 2<sup>nd</sup> the issue of needing an estimate to install a street overhead light on Glick Rd. between Cedarbrook and the Boat Shop was discussed. I have the estimate from Ed and it is for \$1,588.62. I will give it to Jim so it can go before Finance. I think for Safety since that is so dark I would recommend it be installed. Due to the shortage of Street funds and the amount of work that will most likely be needed this funding should come out of General fund or something appropriate other than street.

I would ask that by June we have the Services Committee street proposal and the engineering ready for the 2011 Street Repair Project. Counting backwards that will get us to the end of the summer or beginning of fall before the contract can be awarded.

I have asked Ed to get together with Jim Danes and begin the Grant Planning and necessary work given the same timing constraints. I believe some of the areas for attention are, Title 1 + 2 which is always due in October, 8 inch Waterline line expansion to continue upgrading the Village waterlines, Main street work (sidewalks, benches, lighting, etc.) and possibly bike path connection between Dublin and Delaware county via Glick Rd.  
Ed and Jim are mtg. next week?

We have asked for help from Fire Chief Todd Cooper in moving Del-Co along to install the additional fire hydrants you authorized last fall. When Chief Cooper called he was told the price had increased. After some persuasion Del-Co agreed to keep the price as quoted us last fall. They also said it they would be installed within the next 2 months.

Code Enforcement has been working on a few issues, the early collection of waste at El Vaquero and the dumpster cover at Jimmy Vs. Mark has also been working with a few of the businesses on parking lots.

Remind everyone that Dumpster day is May 21<sup>st</sup> and 22<sup>nd</sup>. It is for the disposing of non-toxic waste no tires or paint, etc.

Planning and Zoning will be mtg. on Tuesday the 24<sup>th</sup> and continue to look at the potential of recommending Impact Fees.

The second thing I would request be on the agenda is a discussion of Manufactured homes. This is a home with a VIN number and not prefabricated homes.

With the current situation on E. Mohawk and the likelihood that the property owner could take a considerable loss or the property could remain vacant for an extended time due to the inability to produce Comps it seems appropriate that we deal with the situation to protect residents in the future.

The Comprehensive Plan Committee will meet on Wed. the 25<sup>th</sup> at 7PM to continue working with Delaware County on updating the Plan.

I believe all of you received the Police stats for April.

I would also like to get the picnic committee together possibly next week.

I've brought this up about 3 times and one of the things to me is becoming increasingly apparent we are going to have a parking problem for business and we do not have the money to buy the lot next to Hella's, we all realistically know that we don't. One of the things we have talked about and I have brought it up about 3 times before is we have 3 streets that have always been considered to be dangerous pulling in and out of. East Pawnee is probably the single worst, W. Reindeer as well as E. Wyandotte. One of the things I would like to ask both Safety and the Building Committee as they look at this is to consider as we plan is the idea of maybe making W. Reindeer one way in, one way west, and effectively forming angular parking into the right of ways on both sides all the way down. We are going to lose the parking spot across from the municipal building so I would like us to consider what we would do and I know this doesn't come cheap but if we are doing the building, up the west side of the property next to the building put a two lane street as the one land one that is there does not work, and effectively two land street for traffic coming out of Reindeer or traffic coming in, that would give us the ability to do that. This is the furthest south that we have property that the Village owns and this is a way that we can produce some parking, we could help restrict some of the traffic flow and it's the only one of the three that has a village building on it, it's just a concept, and I would like people to take a look at it. Council member Garren said it does not make sense, it was kind of fast and she did not grasp all of it. Mayor Monahan said it is basically making W. Reindeer one way all the way in to Hillcrest and essentially having angle in parking on both sides if possible or just on one side or we can go to the point of having parking like they do over in the City of Powell where they have 2 parking spots, 2 parking spot, etc. just a way to do that where we can pick up some common parking that we could use for meetings as well as someone parking there and walking up to the businesses. Mayor Monahan said he will provide a drawing to discuss with Safety.

### **Committee Reports**

Council member Garren said that Safety did meet and she does want to mention before she goes into the committee report that Shirley got the two dates that we noted before the meeting started. That we are going to have a building meeting on this Thursday at 8 p.m. and a Service meeting next Thursday at 7 p.m. She said Safety Committee met and they talked about several things, the AED unit. We did get a response back from both CVS and Walgreens' declining so we did see some information on the Lifepack 1000. The cost is \$2,096.46 and we want to send that to Finance Committee for approval and the Safety Committee does support buying one of these units. Council member Dalvi asked how much does the training cost. Chief LeFever said that Safety did request that we find out two things, one was how long would it take for delivery and it

will take between 2 to 4 weeks and the second one would address the training question. We met with Officer Reed at Concord Township Fire Department this past weekend and they will be more than willing to do our AED, First Aid, CPR training for free without any problem. Ideally what we will do in the future is put Mike Burnes through an instructor class so if we get new officers he can do the training for them. Council member Dalvi asked if there was any annual maintenance cost and what is the length of time before we need to replace it. Chief LeFever said there is no annual maintenance cost and he has been told that the device is designed for long term use; the battery usage is about 5 years depending on how much you train with it and how much you use it. Batteries can be replaced. Council member Dalvi asked from a legal perspective, do we carry any liability if something happens with it. He said the only reason he is asking is that come up at his work one time. Brian said that whoever is using the AED should know how to use it. Council member Gauldin said the AED tells you how to use it, it talks to you. Chief LeFever said the AED cannot be used if it is not recommended by the machine. If the machine tells you do not shock, shock not authorized, you cannot shock. He said the newest thing they did with the AED's, for lack of a better way to say it, they really tried to dumb them down. They want to be able to put them in malls, they want to be able to put them pretty much anywhere that even the normal layperson could grab it and utilize it so you have to keep that in mind, they are extremely user friendly. Council member Garren said the Chief did do a review of the code and found only one item to take a look at and Brian did mention it is in report, the resisting arrest; Brian and Sean were going to work on that. We wanted to make it more current with the Ohio Revised Code because ours is definitely lacking there and the Ohio Revised Code is more relevant. So that's in the works. She said they also discussed the ban for texting and that is on legislation to discuss tonight. She said they also discussed the fact that facing Glick Road between BCS Boats and Cedarbrook is very dark and Ed provided the cost on that, close to \$1600.00 and we are going to take that to finance and see if we can take that from the general fund. She said they also discussed Buckeye Drive, trying to decide what we need to do with parking regulations along Buckeye Drive. We have had this discussion many times in the past, the three to do's that came out of that was we need to understand what width an emergency truck requires to get down the road. Mayor Monahan said the pictures have been taken, we have that. Council member Garren said we wanted to survey the residents to obtain their input and try to get a better idea of how far apart should the no parking signs be because there seemed to be some confusion that they were too far apart. Mayor Monahan said he will put the survey together this week and Mark was checking on the regulations of the signs.

### **Legislative Actions**

Third 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. It was moved by Garren, seconded by Dalvi to pass Resolution 07-2011. Following vote on the motion was recorded: yea, 5; Callender, Dalvi, Garren, Gauldin and McVan. Nay, none. Chair declared Resolution 07-2011 passed by a 5-0 vote.

Second Reading- Resolution 10-2011 - A Resolution to increase the rate of pay for Erin Cullen, Police Officer for the Village of Shawnee Hills, Ohio

Second Reading- Resolution 11-2011 – A Resolution authorizing and directing the Village Administrator and the Chief of Police to execute a Mutual Aid Agreement 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, 5; Callender, Dalvi, Garren, Gauldin and McVan. Nay, none. Chair declared the motion passed. It was moved by Gauldin, seconded by McVan to pass Resolution 11-2011. Following vote on the motion was recorded: yea, 5; Callender, Dalvi, Garren, Gauldin and McVan. Nay, none. Chair declared Resolution 11-2011 passed by a 5-0 vote.

First Reading- Ordinance 08-2011 – Sponsored by Planning and Zoning – An Ordinance to adopt Site Plan and/or Conceptual Grading Plan Requirements for the Village of Shawnee Hills, Ohio Brian said that Shirley had forwarded him the emails and a couple of pages of the report from the Ohio EPA. He said the first time he read through this, his first initial reaction was were section 1 and 2 where it says what the plans should look like and he thought that the ordinance should be set up the structure of you have to get a plan, it has to be approved, you have to get a permit, whatever you have to do and put these regulations in the application so you can then change those whenever you want to. Mayor Monahan said that is what Planning and Zoning had agreed to and you originally had the wrong one. This was very confusing and he got back with Shirley and made the changes that P&Z had recommended. Council member Dalvi asked when we apply to build right now to do anything on the property isn't part of this stuff already there. Mayor Monahan said some of it is. He said we want to have a requirement that everybody must have a pipe unless you get exempted and right now we are one more time again going back in and fixing something that was not done right. Council member Dalvi said the driveways he can totally understand but this is more about drainage and grading. Shirley said that the Ohio EPA said we have to have some ordinance in place for storm drainage but she knows that Brian has some concern over the wording in this proposed ordinance. Brian said the driveway can be a separate issue but the site plan does not do what the Ohio EPA requires. He also said that you cannot have exceptions in the ordinance; it needs to be a variance so that needs to be changed. It was moved by Gauldin, seconded by Garren to table Ordinance 08-2011. Following vote on the motion was recorded: yea, 5; Callender, Dalvi, Garren, Gauldin and McVan. Nay, none. Chair declared the motion passed by a 5-0 vote.

First Reading – Ordinance 10-2011 – Sponsored by the Safety Committee and Mayor Monahan – An Ordinance amending Part 3 (Traffic Code) of the Codified Ordinances of Shawnee Hills, Ohio by enacting Section 331.46, Prohibiting Sending, Reading or Writing a Text Message or Accessing the Internet while Driving

### **Bills**

It was moved by Garren, seconded by McVan to pay the bills in the amount of \$21,985.20. Council member Gauldin said that he knows we had a lot of brush out there for chipper day but he was wondering how much we spent this year versus last year. Shirley said she would look it up. Following vote on the motion was recorded; yea, 5; Callender, Dalvi, Garren, Gauldin and McVan. Nay, none. Chair declared the motion passed by a 5-0 vote.

### **Treasurer's Report**

It was moved by Gauldin, seconded by McVan to approve the following treasurer's report: General Fund 163,348.35, Street Fund 76,456.24, State Highway Fund 4,214.99, Enforcement and Education Fund 2,060.00, Mayor's Court Computer Fund 8,385.67, Fire Fund 124,574.82, Weed Fund 11,052.25, 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 43,075.24, Sewer Replacement Fund 54,000.00, Storm Sewer Fund 10,190.12, Debt Service Fund 49,218.43 and Debt Service Reserve Fund 97,696.25 for a total of \$769,175.39. Following vote on the motion was recorded: yea, 5; Callender, Dalvi, Garren, Gauldin and McVan. Nay, none. Chair declared the motion passed by a 5-0 vote.

### **Miscellaneous Business**

Mayor Monahan said that Shirley went back to the bank and she got them to reduce some of the charges on our checking account since we do not have enough on deposit to help offset the fees.

Shirley said that our municipal insurance is due and she provided everyone with a copy of the coverage that the Village has. She said this is due this month and the cost is \$13,416.00 but they did provide us with a credit voucher of \$1,514.78 making the total due of \$11,901.22. It was moved by Gauldin, seconded by Dalvi to pay the municipal insurance that is due this month. Council member Dalvi asked what the UST Pollution coverage on our insurance is. Shirley said she would find out. Following vote on the motion was recorded: yea, 5; Callender, Dalvi, Garren, Gauldin and McVan. Nay, none. Chair declared the motion passed by a 5-0 vote.

Council member Gauldin said that we had a discussion about the AED unit earlier and there has been something that the Chief brought up a couple of times that he thinks is very important here and that is the fact that the Chief has been told that many times on emergency calls of different natures in our area, not just Shawnee Hills but just outside of Shawnee Hills even that we are the first on scene anywhere between 1 and 3 minutes before the EMS squad shows up and he really thinks that when it comes to saving lives and he remembers hearing about these units first going on airplanes where an airplane takes some time to land and the survival rate just increases dramatically and when he thinks of that and he bundles that with the fact that he is hearing the response time that we can give, he thinks this is a no brainer and he is poised to make a motion that we purchase this at this point in time unless some other discussion tells me otherwise. Mayor Monahan said he thinks it is a no brainer also. Shirley said that with the last reappropriations that were approved there was \$15,00.00 for TAC and we are not going to be using them so those funds are available to be used for the AED. Council member Dalvi said anywhere there is a safety issue he is fully in support of not delaying things. It was moved by Gauldin, seconded by Garren that we approve the purchase of an AED unit at the cost of \$2,100.00. Following vote on the motion was recorded: yea, 5; Callender, Dalvi, Garren, Gauldin and McVan. Nay, none. Chair declared the motion passed by a 5-0 vote.

There being no further business, it was moved by Gauldin, seconded by Garren to adjourn until May 23, 2011. Following vote on the motion was recorded: yea, 5; Callender, Dalvi, Garren, Gauldin and McVan. Nay, none. Chair declared the meeting adjourned at 8:12 p.m.

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Fiscal Officer

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Mayor