

## Village of Shawnee Hills Council Meeting Minutes

August 25, 2014

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

Council in Attendance: Charlie Callender, Mahesh Dalvi, James Gauldin, Dan Mathews, Mike McVan and Josh Vidor

Also Present: Administrator Ed Swanson and Solicitor Brian Zets

It was moved by Dalvi, seconded by Vidor to approve the minutes from August 11, 2014 with the following amendment: on page two change the word *defer* to *refer*. Following vote on the motion is recorded: yea; Dalvi, Mathews, McVan and Vidor. Nay, none. Abstain, two: Callender and Gauldin. Chair declared the motion passed by a 6-0 vote.

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

Mayor Monahan said we are now going to have a special presentation from the Police Department.

Chief LeFever said about two years ago we had a Life Saving Award presented to Officer Christy Litzinger when she was here and that was the first time that we had actually done a presentation at Council and we thought that it was appropriate and in this case as well so here we are. The case that he is going to refer to is still an open case, it is still pending so he is going to give as much detail as he can. He said on June 1, 2014 at approximately 3:00 a.m. Shawnee Hills Police Officers Justin Sexton and Roy Bias were both requested by the Delaware County Sheriffs Department to assist on a burglary in progress call in Tartan Fields. Both officers were in separate vehicles and arrived in the area to assist Delaware County with that call. The burglary suspects had entered a home and while they were in the home they stole the keys to the homeowners Mercedes and fled the area in that vehicle. While searching the area Officer Bias saw the suspect vehicle and began to follow it. When he attempted to stop the vehicle, it fled and led Officer Bias on a pursuit that ended with the three suspects jumping out of the vehicle and fleeing into the woods on foot. Officer Bias notified the other units and pursued the suspects on foot. Officer Bias observed one suspect enter into a pond in an attempt to escape him. He identified himself and gave verbal commands for the suspect to come out of the water. The suspect failed to do so. According to Officer Bias' report the suspect was visibly intoxicated and was struggling to keep his head above the water. After hearing the suspect yell for help, Officer Bias holstered his weapon and entered the pond to help the suspect. It was apparent to Officer Bias that if he did not help the suspect, the suspect would most likely have drowned. Putting his safety aside, he assisted the suspect out of the water and placed him under custody. Officers had by now converged on the area to include Powell PD with their canine unit, Columbus Police helicopter, several Delaware County units as well searching for the other two suspects. During the foot pursuit, Officer Bias lost his glasses and Officer Bias and Officer Sexton went back into

the woods to see if they could find them. While they were searching in the area for the glasses they also located another suspect and the third suspect was almost simultaneously located by Delaware County, accounting for all three suspects.

Chief LeFever said the positive feedback that we received from various agencies involved was excellent testament as to local police officers behavior and professionalism and for this reason both officers will be receiving the Shawnee Hills Police Department Achievement Award this evening and the uniform ribbon that goes with it. Officer Roy Bias will also be receiving the Shawnee Hills Police Department Life Saving Award and the uniform ribbon and medal for his actions that night. Chief LeFever thanked both of these officers for their outstanding performance in the course of their duties.

Chief LeFever said they also have an achievement award and the achievement award is when they receive feedback from the community or from other law enforcement agencies about the performance of our officers and the feedback we received from Delaware County Sheriffs Department and the other agencies involved was phenomenal and we just wanted to make sure you guys were recognized.

Chief LeFever said we are lucky to have a great department and a lot of great officers and just as we hold them to a standard of what we expect and what the village expects of them, I think they also expect the same amount of recognition, professionalism coming from us and we always want to let the officers know that we appreciate their efforts and their hard work and we thank you for your service and look forward to a long time in the profession.

### **Solicitor**

Brian Zets said he has been busy since he was here last. He attended the planning and zoning commission meeting on July 22<sup>nd</sup>. This had to do with the amendment to the 1985 zoning for Larry Burchfield. He said Council will have that legislation at the next meeting because we had to give the notice for the public hearing. He worked with Ed and Mark on some zoning issues. Questions always come up and we take care of them. He had a status conference on one of the criminal cases a couple of weeks ago and that case should be resolved on Friday. He said he worked with Lieutenant Baron in regards to National Night Out and worked on some other miscellaneous odds and ends, questions that popped up.

### **Administrator**

Ed Swanson said he had several calls and meeting with Dublin officials and businesses about the intersection. The paving road work is going to start Wednesday tentatively. They are going to start with the sidewalk areas first which needs to be completed before the sidewalk contractor can finish his part. The contractor for the sidewalk plans on being here Monday and plans to be out of here Wednesday night and that is total seeding, straw, cleaning the sidewalks. The gas meter is still up in the air.

Ed said the crosswalk is still a couple of weeks out and the two street lights have been ordered.

### **Police Chief Report**

Chief LeFever said that things are going as well as can be expected in regards to the intersection improvements. He said the only real issues they are running into down there are the sporadic closures of the lanes is predominately because we have utility companies working over top of

each other and the primary construction company is also working at the same time and it is just going to take some time to iron it all out. We have had a lot of inquiries about who is directing traffic at the light and the only thing he would like to remind people is that the officers that work special duty are being paid by the corresponding company that hired them as part of the construction. For example, Miller Pipeline for Columbia Gas, those officers are there for one purpose and that is what that contractor wants them to do and so one of the more difficult things for the police department has been trying to explain to people why there or five or six officers down there and traffic is still backed up. We have had our officers that are on extra patrols in the Village and we are going to extend that just a little bit beyond the closure dates by a week because we still have a lot of sporadic closures as far as lanes. The feedback from the officers has been really positive down there. The speed has not been an issue. There has been some stop sign violations and some other violations down there and tickets have been written but the majority of those are other offenses, we are not seeing the speed. Mayor Monahan said he thinks the speed bumps work very well.

### **Visitors**

Amy Mailot, E Pawnee Drive, said she has a couple of comments that she thinks the village might want to be aware of. She said obviously there is an issue with some chickens on East Pawnee Drive and they are right across the street from me so I can hear them even though they are mute chickens but the reason why we moved here was because we actually saw Buckeye Drive and Buckeye Drive is a nicer street. I think a little bit better quality area and we were in the hopes that eventually our streets would be similar to that and I think over the nine years that we have been here it has improved greatly. We have seen a lot of these so called shacks ripped down and new houses built. We've seen paving on the streets. There's a whole bunch of things the village has done to really increase that quality of living so it is a huge disappointment to see that happen right across the street from me, not to mention maybe some health concerns. She said she does not know if a decision has been made but her question is if that were to happen on Buckeye Drive would those same decisions still be made.

Mayor Monahan said if that is directed at me because I live on Buckeye Drive. Amy said it isn't at all. Mayor Monahan said I didn't mean that to be that way because I will hear that at times and I was very happy on East Cherokee until my wife decided we needed to move. I will tell you this, that whatever our laws are, we need to enforce and consistently enforce. If we want to change the laws we need to make the proposal to change the laws and run it through the process where council votes on it. You will hear me say a thousand times over there's a lot of laws in the State of Ohio I disagree with, there's some laws that we have that until someone uncovers it we don't even know it. I will tell you that we are sworn to uphold the law and if people want to make a change they propose it and we go through the normal process. He said the reason there are differences on Buckeye Drive, for example the mailboxes, is there are certain deed restrictions that you can't enforce in other places.

Amy said her biggest concern is that if certain standards aren't put in place, or ordinances aren't put in place, then if we ever go to sell our place that's the first thing, they are going to see chickens and they are going to see paintings outside of the house, literally an actual painting laying up against the house. There are two paintings so you don't do that they belong inside your house. They are like six feet high so my concerns are those types of things. Just kind of having some sort of regulations that are normal to put in place.

Mayor Monahan said again I apologize if I bit back on that one, I'm sorry, I hear it too often. But essentially, what I would say to you is that whatever the laws are we need to enforce it. If people want to change the laws they need to follow the process.

Council member Dalvi said the point is that the residents have concerns and the residents have the right to express that and we are going to take that up and discuss that in terms of laws are made but laws are to be changed too and sometimes the ruling is made with some conditions and those conditions will have to be followed and monitored and we will talk more about that in our miscellaneous business when we have our special discussion around that. I think as much as you raise the hand and talk upholding, upholding means also to make sure that all the monitoring and compliance of what has been ruled is done, of which we will do. It is important because we have all worked for many years to move this village in a certain direction, to a road map that we wanted and we know that there are some rules that unfortunately are still existing in our ordinances that are open to interpretation which people are taking advantage of and I think as a village, leaders and village council members, we ought to go back and look at this. The village has changed, the demographics have changed and we live in a different neighborhood. We all have lived here for many years and we have seen it so I think the onus is upon us to see as we move forward to see what is relevant and what is not and what changes we need to make.

Mayor Monahan said you will always hear me say I am looking for consistency, whatever is done that is consistently applied and if there's changes to be made it goes through the process and the changes are introduced, people have the right to say whatever they think about it and it goes from there.

Amy said she has one question then. The ordinances that currently exist now, will they be changed and if so how soon will they be changed so that another neighbor doesn't end up with a pig next week. She is just wondering.

Mayor Monahan said I would look to Council or you as a resident can propose a change. Generally speaking it could go a couple different routes there but council can choose to go ahead and put together a piece of legislation and run it through the process.

Council member Dalvi said I think that process has started, I talked to Brian today about some changes that will be done based on a couple of checks we will do but it will be done as an amendment, not just to this particular thing. He said the village, the administrator and the police and others have the right to monitor and go on and comply and they will do it because we have to as per the zoning, monitor the situation even after the ruling has been made so that will be done.

### **Communications**

Mayor Monahan gave the following report:

I received a thank you letter from Marilyn Brown the President of the Franklin County Board of Commissioners. I was asked to write a letter to the Screening Committee for the Democratic National Committee 2016 Convention screening committee and I did.

I did receive an invite to the Heritage Ohio Conference at Kent State Sept 23 and 24<sup>th</sup> if anyone is interested in attending.

Mahesh you may find it interesting it is allot to do with Main Street and Branding and may be worth attending.

I sent an email Sat AM to Concord Township as a follow up for an effort we started in March concerning the blighted properties that abut the Village.

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

Sent: Saturday, August 23, 2014 9:04 AM

To: [bjohnson@concordtpw.org](mailto:bjohnson@concordtpw.org); 'Todd Cooper'; 'Todd and Cindy Cooper'; 'karen'

Cc: [mark.katzenbach@shawneehillsoh.org](mailto:mark.katzenbach@shawneehillsoh.org); 'Ed Swanson'

Subject: Mohican and South Park properties

Hi can you let me know what progress Concord has made with cleaning up the junkyard on Mohican and the property on South Park.? I need to report to Council.

The house across the street from me to the right back yard abuts the extreme blight on Mohican and since the house has been for sale they has had to drop the price over \$20K.

Your help is really appreciated! Thanks! Pat Monahan Mayor Shawnee Hills, OH.

I received responses from Both Karen Koch and Bart Johnson Concord Township Trustees that they have started the process and their Code Enforcement officer is involved.

Hi Pat, I have added Ric Irvine to this list so he will be responding to you. The process has begun with letters. It is a slow process. Ric will be able to tell you the latest info. Karen Koch

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This has been turned over to our zoning inspector. I do not know what the progress is. I will ask for an update at our trustee meeting.

Bart

On this past Tuesday I sent an email to Mahesh, Chris Anderson and later Dan Mathews and Robin Fellure concerning the business opportunities and our Branding effort.

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

Sent: Tuesday, August 19, 2014

To: 'Mahesh Dalvi'; 'Chris Anderson'

Subject: any chance to notify - advertise business properties?

Hi Mahesh and Chris since I believe we all realize the intersection project will open us up for new development is there any chance to notify - advertise business properties?

As you look around the Village and in light of the fact that home building lots are getting hard to find what actions do you think the Branding Committee can take to make the business

Community aware of properties we have available:

- Across from the Police station = Dublin and Reindeer =possible great medical arts bldg.
- The Jim Bowers property in front to the east of our Police station
- The lot across from the Civic at Dublin Rd and Mohawk
- The Priestino Property just north of Straders.
- Ted Guarasci's lot where we put the Holiday tree = I understand Bill at Hellas has rented it for a year and the intention is not known. I would suspect with the ice cream shop going in across the street it is expanded parking.
- The shopping center = I have asked Robin to work with me in the near future to meet with Bill Trembly and ask him, considering all the work that has been done on the Village, to help us getting viable businesses in the shopping center.

Council member Dalvi said one of the asks we had was a profile of all the empty commercial lots so if we were to do that can we post it on our website or would that be an issue. Brian said he did not think there is an issue with that. Council member Mathews said even if we don't own the lots. Council member Dalvi said that was his question, we don't own the lots, do we need to go to the property owners to get their permission to post it on our website. Council member Mathews said basically it would be free advertising for the owners. Brian said I would make sure they know you are doing that. Mayor Monahan said to take that to the branding committee and come back with what you want to do.

- Jimmy Vs = I have communicated with Gus Comstock twice asking him to keep his eyes open to getting a Steak restaurant in that bldg.
- Etc.

As a side note I have asked Brian Zets to work with Tom (Annexation attorney) at his firm to develop a letter that will be sent to all properties that are contiguous to our sewer system = Dublin Rd at Logan , Dublin Rd at Mohican and at Buckeye. Once we have that I will have Shirley send it to them to see what interest is there. For lots without a house I think it is a no brainer!

Thanks let me know what the Branding / Economic Committee can do. I believe it is the time to act!

Thanks!

Pat

### **Mayor's Report**

Mayor Monahan gave the following report:

#### July 2014 Mayor's Court Report

##### Receipts

\$7,668.94 Total Receipts

##### Disbursements

\$1,510.00 Treasurer, State of Ohio

51.00 HB 562 Indigent Driver

5,687.94 General Fund

420.00 Computer Fund

\$7,668.94 Total Disbursed

Erik Spaulding

Mayor's Court Clerk

We received the RITA Top 25 Report for mid-August and keeping in mind that there is a difference based on when someone pays, it looks like we are \$93 K ahead of where we were last year this time on income tax collection. I discussed the upward trending of our income tax due to our growth. This may be the logical place to take a percentage and direct it to our street fund and also to the newly established budget stabilization account.

It was great that Double Z Construction was ahead of schedule re-opening Dublin Rd. I do want to thank Officer Barron and the Police for the help and attention they have provided.

I have asked Brian to have Tom Hart from Isaac Wiles prepare a letter that we will send out to the owners of the non-Village properties that are contiguous to our sewer system inviting them to annex into our village.

We have our potential annexation follow up meeting with the steering parties involved this Thursday 8-28 in the office.

I am tentatively mtg. with representatives of Lucy Depp this wed to discuss potential annexation.

If you haven't been over to the new playground that was installed this past Friday it is great. The mulch is amazing and I have received very good comments. I commend you on the decision to move forward with this project and I think the collective we can proudly know this is a home run.

We have a great deal of park work to do and I ask that if anyone hasn't purchased a brick to please do so. I have asked Robin to request both the Chamber and Civic boards to consider the purchase of a picnic bench and one of our park benches.

Lt Barron mentioned that there were many requests for kids to use the bathroom at the Police station. His suggestion was we look into getting an ADA porta potty there during the non-inclement months. I would ask that Service look into this. I would also ask that the Playground / Park committee go to our landscaping businesses that sell and plant trees and get a listing of the trees (types, sizes and pricing) that they would partner with us to make available to anyone who wants to dedicate to someone in our Memorial park.

On this past Friday I did talk to Bill Herzog one of our Village residents. Bill and his wife are both landscaping Architects. I asked Bill if they would consider doing a layout sketch for us of the Park and Bill said to please talk with his wife since she is the artist. Dan let's approach Mrs. Herzog within the next week so we can keep this moving.

Jack Frambes has told me they wanted to have a tree planted and I suggested to Jack that his family and mine have a Tree Planted near the parking lot and sidewalk near W Cherokee that we can use as our Village Holiday tree for years to come! More to come on this!

As Ed reported Columbus Asphalt will be here on this Wed and will first finish the sidewalk and road work and then go on to our annual street work.

I think that the sidewalk project started off with allot of excitement and they are within the contract but I ask going forward that we work wherever possible to shorten the time a project is completed once started. I suspect Columbia Gas will be the last to move that meter in the property just North of us but I do look forward to getting the orange barrels out of the there.

Council member Dalvi asked when a Mayor's Court is held and a decision is made how does the public get access to the report of what the Mayor's Court decided and under what conditions the decisions were made because today if I make a complaint and it goes to Mayor's Court and Mayor's Court decides how does the resident have access to the decision made and the conditions around that. Brian said he doesn't actually prosecute the Mayor's Court so he doesn't know exactly what form of entries they use. He said the Mayor's Court is not a court of record, meaning there is not a transcript or tape or anything so you can't listen to or read what has happened. The only thing you would have is the jacket and eventually the decision, if you will, whatever the finding was would be in there. Someone could have access to whatever that court file is because that is a public record, but that would be the extent of it so there may not be very much in there. It's hard to say if there would be reports, it depends on what the charge is.

Council member Dalvi said so when a decision is made with certain conditions how is that recorded and how are those conditions then monitored. Brian said I would assume that it is recorded on the judgment entry signed by the Magistrate. It would be a public records request to Shirley.

Mayor Monahan said if there is something that you are concerned about you have the right to go to Mayor's Court also.

Council member Dalvi said every resident, including which I am a resident, has the right to follow everything. I am just talking procedurally I need to know what decision was taken, under what condition or some ruling for two reasons one is obviously we need to know the ruling and what conditions the ruling but more importantly how it is going to be monitored by the village if the ruling came with conditions. Brian said it would depend if it's a zoning issue or a criminal issue. If it's a zoning issue then Mark and the village will have to make sure that it is being followed. Council member Dalvi said this is a zoning issue and to him it is also a revenue issue because if there is a compliance issue, a noncompliance then there is fine issue, there is a collection issue that is what he is very interested in knowing. He said so it will start with a public records request, correct. Brian said yes.

### **Pro Tem Report**

Council member Dalvi said we should all say a big thank you to Dan for leading the playground effort and successfully bringing it to closure.

Pro Tem Mathews said we have a new playground. He said that was step one and there are things to come, landscaping and trees and whatever else to hopefully one day complete that.

He said the second thing is kind of a housekeeping issue. He said he appoints Josh Vidor to the Safety Committee in Cameron's place.

Council member Dalvi asked if there was a way to upgrade the existing equipment. Council member Mathews said the first thing his boys jumped on was the old swing set. Council member Dalvi said it would be nice to upgrade the old equipment that is left there.

### **Committee Reports**

Council member McVan said that Safety met and they discussed the intersection progression. Everything is going as smoothly as it possibly can and they discussed the speed bumps, whether they are short term, long term or getting feedback from some of the residents and we have to see what kind of road damage we might have when we pull them up. We spent a lot of money on Shawnee Trail and we don't want to ruin that road. We also discussed the sidewalk issue out in front of this building. Council member Dalvi asked what was the resolution to the sidewalk. Ed said he talked to Mike earlier and if you notice most of this is the driveway entrance and the next part is the sidewalk right next to the road and the curb is low. In the print it shows the curb is up. He talked to Chris about it today and he said we could have them raise it but he did not think it was necessary, it really didn't matter to him so he let it go the way it was.

Council member Dalvi said he brought this up at the last meeting about how close it is and you walk it an you feel it when a big truck goes by. Mayor Monahan said so if we added a lift there that would keep somebody's tire from going over and legally if you put a yellow line down it says you can't cross the yellow line to the point Chris was making if you were a truck and you happened at our driveway to cross over you could have one wheel on both anyways. So the question is what does Safety want to do. Council member Dalvi said it is a safety decision but I hope you guys realize how close it is when you walk it. Council member McVan said we

actually went out and walked more than that area and there is probably three or four more spots in the whole village and you can't fix them all. Ed said after he talked to Chris about this he went on vacation and noticed that there are sidewalks all over the place just like this one. Council member Dalvi said at least doing the painting would be good.

### **Legislative Actions**

Third Reading- Resolution 10-2014 – A Resolution that the Village of Shawnee Hills host an employee appreciation dinner. It was moved by Dalvi, seconded by Callender to adopt Resolution 10-2014. Following vote on the motion is recorded: yea, 6; Callender, Dalvi, Gauldin, Mathews, McVan and Vidor. Nay, none. Chair declared Resolution 10-2014 passed by a 6-0 vote.

Second Reading- Resolution 11-2014- A Resolution declaring the official intent and reasonable expectation of the Village of Shawnee Hills on behalf of the State of Ohio to reimburse its Capital Project Fund for the Dublin Rd/SR745 & Glick Rd intersection project, CQo7R/CQ08R with the proceeds of tax exempt debt of the State of Ohio and declaring an emergency. It was moved by Dalvi, seconded by Mathews to suspend with the third reading and declare Resolution 11-2014 and emergency. Following vote on the motion is recorded: yea, 6; Callender, Dalvi, Gauldin, Mathews, McVan and Vidor. Nay, none. Chair declared the motion passed by a 6-0 vote. It was moved by Dalvi, seconded by McVan to adopt Resolution 11-2014 as an emergency. Following vote on the motion is recorded: yea, 6; Callender, Dalvi, Gauldin, Mathews, McVan and Vidor. Nay, none. Chair declared Resolution 11-2014 passed by a 6-0 vote.

Second Reading- Resolution 12-2014- A Resolution authorizing the Administrator to hire Erik F. Spaulding as the Mayor's Court Clerk for the Village of Shawnee Hills, Ohio and declaring an emergency. Council member Gauldin asked if all the personnel checks had been done. Ed said they have been done and I hired him. As I understand it I could do that. Brian said he just can't get paid until Council approves this. Ed said this is for not more than twenty hours a week and at a rate of \$16.00 per hour. It was moved by Gauldin, seconded by Callender to suspend with the third reading and declare Resolution 12-2014 an emergency. Following vote on the motion is recorded: yea, 6; Callender, Dalvi, Gauldin, Mathews, McVan and Vidor. Nay, none. Chair declared the motion passed by a 6-0 vote. It was moved by Callender, seconded by Gauldin to adopt Resolution 12-2014 as an emergency. Following vote on the motion is recorded: yea, 6; Callender, Dalvi, Gauldin, Mathews, McVan and Vidor. Nay, none. Chair declared Resolution 12-2014 passed by a 6-0 vote.

Second Reading- Ordinance 20-2014- 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, 2014 and declaring an emergency. Mayor Monahan said this is to authorize moving the money to put in two cross walks at Mohawk and by Scioto and also two street lights and the Boy Scout project. Council member Dalvi said the Boy Scout project did we max it out at \$2,500.00. Mayor Monahan said it is at \$1,200.00 in the ordinance. Council member Mathews said that is not what it will cost. He is getting pricing still. Council member Dalvi said that is what I said last time, take that out, find out the pricing so that we don't need to do it again. Council member Mathews said he is finalizing the pricing right now. The initial estimate he gave me was roughly \$500.00 and he is getting an additional estimate for attaching a

bench to it and a sign. Mayor Monahan asked if he had a motion to amend Ordinance 20-2014 to remove outdoor display case for memorial park. It was moved by Dalvi, seconded by Mathews to amend Ordinance 20-2014. Following vote on the motion is recorded: yea, 6; Callender, Dalvi, Gauldin, Mathews, McVan and Vidor. Nay, none. Chair declared the motion passed by a 6-0 vote. It was moved by Gauldin, seconded by Dalvi to suspend with the third reading and declare Ordinance 20-2014 an emergency. Council member Callender asked once again why does this have to be an emergency. Mayor Monahan said once we get this approved we can get the crosswalks. This is probably one of the most safety oriented thing, get the crosswalks ordered and paid for. Council member Dalvi said this was discussed in Finance, once the sidewalks get done we have to put in the crosswalks and we have to put in the lights. Following vote on the motion is recorded: yea, 6; Callender, Dalvi, Gauldin, Mathews, McVan and Vidor. Nay, none. Chair declared the motion passed by a 5-0 vote. It was moved by Dalvi, seconded by Gauldin to adopt Ordinance 20-2014 as amended and as an emergency. Following vote on the motion is recorded: yea, 6; Callender, Dalvi, Gauldin, Mathews, McVan and Vidor. Nay, none. Chair declared Ordinance 20-2014 passed by a 6-0 vote.

First Reading- Resolution 13-2014- A Resolution to increase the rate of pay for Erin Cullen, Police Officer for the Village of Shawnee Hills, Ohio

### **Bills**

It was moved by Vidor, seconded by Dalvi to pay the bills in the amount of \$84,877.47. Following vote on the motion is recorded: yea, 6; Callender, Dalvi, Gauldin, Mathews, McVan and Vidor. Nay, none. Chair declared the motion passed by a 6-0 vote.

### **Treasurer's Report**

It was moved by Dalvi, seconded McVan by to approve the following treasurer's report: General Fund 323,702.90, Street Fund 95,177.91, State Highway Fund 7,300.21, Drug Law Enforcement Fund 717.00, Indigent Driver's Interlock Fund 385.84, Enforcement and Education Fund 2,010.00, Mayor's Court Computer Fund 10,146.66, Fire Fund 194,601.01, Weed Fund 11,489.35, TIF Fund 42,591.27, TIF 2 Fund 1,743.36, Veteran's Memorial Fund 98.97, Capital Projects Building Fund 90,065.76, Capital Projects 9484 Dublin Road Fund 5,770.25, Capital Projects Sidewalk Fund 9.50, Sewer Operating Fund 53,349.62, Sewer Replacement Fund 126,000.00, Storm Sewer Fund 3,127.46, Enterprise Debt Service Fund 129,285.51 and Enterprise Debt Service Reserve Fund 99,436.05 for a total of \$1,197,008.63. Following vote on the motion is recorded: yea, 6; Callender, Dalvi, Gauldin, Mathews, McVan and Vidor. Nay, none. Chair declared the motion passed by a 6-0 vote.

### **Miscellaneous Business**

Council member Dalvi said one of the things that he wanted to bring up as an issue in front of the Council members here and I know I have talked to you individually is as a village there are certain ordinances that we have to review as we as a village plan our roadmap, plan our next five years. Obviously in the last two years we have seen instances of ordinances that have come where some resident does it and then we realize that maybe we should have changed it, maybe it's not right, for whatever reason it is, and all of you know within the past one year this is the third instance that I can recall where this has happened. I know we have talked about a couple of changes to be made and the point is is that do we go in and do it like what we have been doing in

a very reactive manner or has a point come where go through all of our ordinances and do a review and see what needs to be changed. There are a lot of ordinances that are there over the years that have not been touched, they are there because for whatever reason and have carried over for many years. He said I think one of the things we will be doing and one of the things I have asked Brian to do is specifically around the ordinances having livestock and all that stuff is as our village density changes in terms of the houses, we are no longer a village where we have two acres of land around us, we are not a farm land or a rural area, we are more of an urban area so I think we need to start looking at that and seeing what is applicable and what is not applicable. In light of what we want the village to be, how the demographics are changing and how the density is changing in terms of the houses. He said one of the things I want to discuss with Council is we know we need to probably look at some of our, the same thing with the driveways, we talked about what do we do with the driveways because that was an issue. We had an issue with what side of the house, you know, things. There are several of them that have happened over the last one year so the question Brian is how do you, what's your recommendation. Is there something we can do to see some kind of comparison around the ordinances or do we do this the way we have been doing which is probably not the right way. We do it every time as a reactive manner. Brian said it is a daunting task and there is a lot in the code book but what you are really looking at is the zoning and some other things and maybe it's a task that you can start to go through them. He said how many people actually read through the sections of the code to determine what is there and what's not. I don't think it is a criticism because you just don't do it. If you really want to take a look at them you can start, maybe with planning and zoning or someone else. Council member Callender said he thinks this happens with any municipality. There's laws on their books that nobody knew, they totally blew the dust off of them and said oh we have this law. Council member Dalvi said part of it is the classification that we moving into more of an urban area as a village and what are the implications of that especially when it comes to things like livestock. What is it that we need to do as Village Council to make sure that the rules are rightly set. Mayor Monahan said we already have provisions that the president of council can appoint a committee. My recommendation, if you want to do this, is that you appoint a committee and you take a section by section of the code so maybe over the next few months, it's section one and where you see something that you want a comparison because like Charlie said because we are 750 people we don't hit certain things very often but then you hit it. Then if you have things you want a comparison you can take it back to Brian and ask what do other people do. Council member Dalvi said I think part of what I want to propose here is that some of those amendment changes procedurally we would like to again take it to the Council because if we go through all the committees and all that stuff it's going to be a long drawn process. Council member Mathews asked is it arranged in sub sections. Can we identify hot topics, like we need to identify how a house is situated? Brian said yes, it is. Council member Mathews said so we can form this committee and say what do we need to be cautious of, what do we need to look out for and then go forward. Council member Dalvi said the problem is in some cases the ordinances are weak, they are not clear and that leads to open interpretation and people take advantage of that. The point is that we as a village need to think about what is right. For example, one of the things I have a question here is what is the definition of structures being built. Is coop a structure that needs to be something that requires permission, that requires someone to do it, what are the rules for it, I don't know and if someone has not followed the rules of putting a coop there then that person needs to be fined, that resident needs to be fined.

Mayor Monahan said I would like to bump up to the larger question about what you are saying about the review. First of all I would suggest that a committee should do that. Take a section at a time. I disagree with something you said. We have committees for a reason and effectively if you recommend these things back to planning and zoning but make sure if you don't want to do that if somebody doesn't want to come to finance its okay also because what you are really want to do is work the process and additionally I will make one other thing while you are shaking your head no, is whatever we do needs to be applied consistently. Council member Dalvi said I understand the consistency part; I don't need to be told that fifty times. The key point I am trying to make is I want to make sure that if we want to make some changes to the ordinances is it necessary that it has to go through all the committees. At the end of the day Council has to vote whether it is finance committee or planning or anything else, correct. Brian said correct at the end of the day Council has to amend the ordinance. Council member Dalvi said it is the Council's thing to amend the ordinances, it's Council's stuff to figure out what's right so if we are going and making strategic changes if I were to say that, around how we are going to address this stuff then I would like to bring it here and put it to order. Brian said that is your decision, if you say look planning has to review this and Council wants them to do it and give us a recommendation or you can just do it yourself. You can do it either way. Mayor Monahan said to a general review of our ordinances I believe the right way is to have a committee put this together then come back and for a comparison sake, say what do they do in Gahanna, what do they do here, and then effectively have planning and zoning review it. If there are certain things you want to bring straight to council do that but I would not short that process for the general review of our ordinances. Council member Dalvi said I am not shorting the process but at the same time I don't want things to be done in committees where nothing happens and everything gets reactive in nature so I think what we need to do and again this is up to council and we will work with the president of council about how that needs to be structured because I think we have reached a point where a lot of our ordinances are weak, not just what we have been talking about. There are many ordinances that are weak, that are left open for interpretation and we need to be proactive then reactive. This is for the resident's sake that we are very clear as to what it is and a lot of stuff which has come over the last one year where we have been very reactive in a sense. It's unclear what happened, it's unclear about how it is going to be monitored, it's unclear about what the fine is, it's unclear about what happens when the violation exist. There are several of those things that need to be made clear and I think it is not the committee; the council needs to figure out how to address that.

Council member Gauldin said I think your best bet is to put a committee together to review those things and the first charge the committee could have is to a failure of facts analysis or some sort of prioritization through there to do that but this process is not unlike the process Sean was doing a few years ago where we were going through our code on the criminal side to make sure that those things are covered. Send it to the committee, run it through the committee. Council member Dalvi said the committee is going to be the Council; it's not a separate committee. What I wanted here is because it is important that we do this as an effort right now because if not we will be in situations with a lot of confusion, a lot of concerns around how it is to be interpreted, what's the right thing to do, is this the right thing for the village in terms of when it is applicable now or not so that is why we need to be very proactive as a council and figure out how to address it and that was the request. I understand the committee thing but I also know that this is something that needs to be looked at very aggressively.

Council member Vidor said I think we are talking about two different things though. I think we are talking about some small things that you are concerned about right now. We can't revise all of that right now with the Council; it would have to put a committee together to review the code. Council member Mathews said the committee would have to identify what are some hot topics and where do we want to be. Council member Dalvi said there are some thing we know for sure that we agree needs to be changed and we will follow that track and on a long term perspective we need to go and look at that and figure out what needs to be done so we will follow those two tracts, one more strategically and one very tactically. Council member Vidor said he does not feel that committees necessarily have to make it long drawn out, we can have time constraints. We can have a set date that it needs to be done. Mayor Monahan said and planning and zoning does and out of respect for yourself Dan is your council representative to planning and zoning. Council member Mathews said he does not even know if everything has to go to planning and zoning, if it's a safety issue it should go to safety. Mayor Monahan said he agrees there are two tracts and on either tract when something is going to be proposed it will be advertised. People will have a chance to speak on it and then we will go from there. That's the process. Council member Dalvi said no one is trying to short circuit the process but at the same time I think it is more about making things clear and updating a few things that have been there for many years. Mayor Monahan said but I will guarantee and I don't think you are wrong, it's just an ominous task and I think if you can focus a section at a time but you are going to find out, just like Charlie said, no matter what you are going to say, we didn't think about that. Council member Callender said in his opinion, until something does come up, I know everybody wants to be proactive in this world now, a lot of times you can't be proactive. You don't know a problem until a problem arises. Council member Dalvi said we have talked about some things within our code, in our ordinances that we know are weak and we have done nothing about it. Council member Callender said each committee should look at their specific codes. I think we have committees set up right now. Mayor Monahan said I think the good news story is and Brian is a big help on this and he has been a great help since he has been here because he can look across other municipalities. He can say they tried that, tripped over it. Council member Dalvi said until we put all the processes right. For the tactical issue we are facing, Brian is going to do some research and he will come back with a recommendation based on what I said, the changes in the village, what we want to do with the density, the health issue and all, bring it back to us, we will review it as a Council and we will work through the process to make the changes. He said if we don't do this then I think it is not going to happen so I think with this process it will move quickly and we will get a chance to discuss this, pros and cons, what are the standards, and then start making changes. Then , strategically we all need to say over the last five years all those things that we think are weak, maybe Shirley knows it or Ed knows it or whoever, let's have a session around it and bring it out and discuss what needs to be made clear. We have to be united and I understand that we can't be proactive across the entire thing but I think we have to do something about it. Mayor Monahan said in all the time he has been involved, Mark Katzenbach knows the code as well as anyone he has ever seen. He amazes me at times how good he knows it. Council member Dalvi said one of the request he would have Ed, to you and Mark, you probably deal with this on the zoning side on a regular basis, is lets identify some of the weak ordinances that are left open for interpretation or that do not fit in with where we are going and how do we change that.

Mayor Monahan allowed visitor Arabella Awad to speak. Arabella Awad said she lives at 100 E Pawnee and she is the one with the chicken coop and the chickens. She said if this has already been started which it sounds like you guys have already discussed changing ordinance 1313.07. If that has already been brought to the table, whether it's been behind closed doors or publicly, is it okay to, I am just going to be very straight forward, Ed and Mahesh have been inside her home recently and she is the one that is bringing on this complaint so is that just okay.

Council member Dalvi said no let me be very clear here, it had nothing to do with her, I was the one, I am your neighbor that brought the issue up, Amy did not. Arabella said I am not going to come and ask why you are visiting her I am just asking general questions. Council member Dalvi said whether I go to her house or Pat's house that has nothing relevant to this conversation. If you have a question of me than ask that question not about whether I go to Ed's house or Pats house.

Mayor Monahan said there has been no legislation proposed, people have talked about different things. If you read the minutes from the last meeting, I could not discuss the case because it was going to court, but what I did say at that time is say if you don't like what court does you have an appeal process to Delaware County and if you want you could come back to Council and ask Council to change an ordinance which they may and that is where I corrected my one word refer it to planning and zoning or whatever else. It's the same process.

Council member Dalvi said we are following the process in terms of what needs to be done. Same thing with the rules, there are rules to be followed and if the rules don't get followed you get cited.

Mayor Monahan said with all my faults, the one thing you will hear me say is consistency. Whatever is applied needs to be applied across the board to anybody.

Arabella said so in that case if this particular ordinance wants to be reworded, or changed or eliminated or whatever then I follow the same procedure to say like something as far as like beekeeping for instance, so is beekeeping, because I am deathly allergic to bees and my neighbor keeps bees. Do I have the same right to say no bees are allowed? Arabella asked where does the grandfathering in come into play. Mayor Monahan said he would refer that to Brian.

Council member Dalvi said he wants to make sure we continue the monitoring and to be aware of things.

Council member Callender said a totally different subject just came up. We have been working with the Zoo about the noise. I know it was brought up a few council meetings ago but is it an ongoing thing. Council member McVan said just during the day it is ridiculously loud.

Mayor Monahan said send him an email about what you are hearing and here's what people are telling us as council members and he will forward them to Tom Stalf at the Zoo.

Council member Vidor said the topic we were discussing, I have bees, you have chickens and I would like when all is said and done we are going to have some kind of council decision on how we move forward whether it is with a committee or whatever. I would like for us as a village to think, there are only 700 of us and I have friends that are scared to death of chickens and the diseases that are going to come from it and I have friends that are scared of my bees and I say without that you don't have flowers and you don't have gardens but I would like for us as a village to be able to say let's look for what is the best interest for the village. If I lose my bees okay I want you to know that if it is in the best interest of the village, if what the bulk of the village feels like it is the direction we want to move in, let's stay together as a village and be good neighbors and care about each other. We are going to come to some decision one way or

another and I want to encourage you that regardless of the outcome let's be friend. We are a small village, let's not let livestock and things like that tear us apart.

There being no further business, it was moved by Dalvi, seconded by Callender to adjourn until September 8, 2014. Following vote on the motion is recorded: yea, 6; Callender, Dalvi, Gauldin, Mathews, McVan and Vidor. Nay, none. Chair declared the meeting adjourned at 8:37 p.m.

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Fiscal Officer

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Mayor