

Village of Shawnee Hills Council

August 10, 2015

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

Council in Attendance: Charlie Callender, James Gauldin, Mike McVan and Josh Vidor

Absent: Mahesh Dalvi and Dan Mathews

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

Minutes

It was moved by Callender, seconded by Gauldin to approve the minutes from July 27, 2015 with the following amendments: on page one change the word than to that and on page five change the wording to read: in general the advice was. Following vote on the motion is recorded: yea, 4; Callender, Gauldin, McVan and Vidor. Nay, none. Chair declared the motion passed by a 4-0 vote.

Agenda

It was moved by Callender, seconded by McVan to amend the agenda by adding an executive session after the treasurer's report to discuss pending or imminent litigation. Following vote on the motion is recorded: yea, 4; Callender, Gauldin, McVan and Vidor. Nay, none. Chair declared the motion passed by a 4-0 vote.

It was moved by Gauldin, seconded by McVan to approve the agenda as amended. Following vote on the motion is recorded: yea, 4; Callender, Gauldin, McVan and Vidor. Nay, none. Chair declared the motion passed by a 4-0 vote.

Solicitor

Brian said that he attended the planning commission meeting on the 28th. From that meeting legislation was created that is before Council tonight. These are to tighten up the PUD and its related chapters and he will walk council through each piece of legislation.

He said he also continued to work on some miscellaneous issues as well as some issues related to Larry Burchfield and his property.

Village Administrator

Ed said that he worked with Chris Tebbe on a few drainage issues with a couple of residents. He said he did agree to a contract with Americoat to pave our parking lot. The engineer's estimate was just over \$24,000.00 and that is what they agreed to do it for. He said there is a reappropriation that needs to be done for this. He said the lowest bid we received for this project was \$40,000.00.

Ed said that Chris came out and looked at the Buckeye Drive circle and he will be discussing that with the UST committee tomorrow night.

Mayor Monahan said that he is repeatedly getting things from residents down there about the problems that are caused with the loose gravel. One of the resident's broke his arm down there while skateboarding or running. I met with Chris down there and he came up with a pretty reasonable solution.

Council member Gauldin asked what can we do about the other loose gravel in the village. We have other places as well and now that this is brought up it makes sense that we have other places where it is washing out and to be honest my son and I had an issue last year that I have kind of moved on from because it wasn't anything too much. But giving what we are running into up here if we have that type of issue there are at least a couple of places, Oneida, Seneca, Olentangy, it is all washing out where bicyclist and skateboarders can run into that. Do we have a liable situation here Brian with gravel washing out like that? Shirley said there is a difference between washing out and people driving over the gravel. Ed said on Buckeye Drive busses and trucks go around the circle and drive on the gravel and it gets kicked out onto the blacktop. I will have Mark go around and check it weekly. Council member Gauldin said I think the same thing

Village of Shawnee Hills Council

August 10, 2015

happens on some of these other streets. It's not just the wash, its people that cut the corner sharp and as the wheel turns it pushes the gravel out as well. Mayor Monahan asked council to look at the other areas and come back with a list that we need to consider. Council member Callender said at Hiawatha and Old Powell the guy has made that turn gravel and I used to drive my motorcycle there and that would kick out and it would be dangerous there. Council member McVan asked what is our responsibility, legally. Brian said the village has a duty to keep the streets in repair. Berms don't count, shoulders don't count. Ed asked about loose gravel. Brian said he would have to research that.

Communications

Mayor Monahan gave the following report:
I believe everyone received the July Police stats. Thanks Chief!

Mark and Richard planted the 1st 2 Cleveland pear trees in the Memorial Park I would like to encourage anyone wishing to honor someone to sponsor a tree in the park. They also transplanted a blue spruce that was donated by my cousin Lou. It was planted to the right of the Veterans Memorial.

I would like to remind you I have the RITA top 25 report through June 25th if anyone wants to discuss it.

Mayor's Report

Mayor Monahan gave the following report:
I did contact the Delaware County Health district about fogging the Village due to fogging in Dublin. They let me know that the areas in Dublin that required fogging were not near Shawnee Hills and sent the below information:
What efforts are being taken to protect the public from mosquito-borne disease:
The Delaware General Health District conducts mosquito fogging solely as a public health disease prevention technique. By monitoring for disease in the mosquito population, the Health District is able to act swiftly, to reduce the mosquito population when a potential threat exists; this is why surveillance of mosquitoes (trapping) is vitally important in a mosquito disease prevention program.
When the disease is detected in mosquitoes or a neighboring jurisdiction alerts the Health District of a disease close to the jurisdictional boundaries, the Health District responds appropriately by activating the fogging units. This effort helps to reduce the mosquito population thereby reducing the disease in the areas and effectively preventing human cases. When using pesticide to fog, the Health District must be mindful of those who do not wish to have their property fogged, therefore shut-off requests are mapped into fogging routes. Additionally, the overuse of a specific pesticide can lead to resistance in the mosquitoes.
For these reasons and the fact that disease prevention can be accomplished by active surveillance and appropriate reactions to that surveillance, the Health District maintains the policy to only fog when a disease is present. Updates on the surveillance program can be found on the Health District Facebook and Twitter pages.
Preventing mosquitoes from breeding is the best method to maintain low levels of mosquitoes in an area. In this effort all community members can help by eliminating standing water in items such as gutters, tires, birdbaths, and outside toys. When water bodies are too large to empty, citizens may contact the Health District to treat the water for mosquitoes.

I want to commend the Chamber on the Summerfest. It looks like a great event to build on.
The Police did a great job on National Night Out. Congratulations Chief, Mrs. Chief, Officer Lirtzman and our Police Force. I heard a number of comments on what a great Community event it was.

Village of Shawnee Hills Council

August 10, 2015

The Civic did a great job with the annual Pub Crawl this past Saturday. It was a lot of fun and great participation by the merchants.

Please remind everyone that the Village Picnic will be on Sunday Sept 20th. I talked with Dan and Kate and Jing are starting the work on the picnic. This is a great opportunity for our new residents to meet the folks in the Village.

Anyone having articles for the late Summer Newsletter please get them to me by August 26th. I want to make sure we again let the residents know about the Village Picnic

I want to express our deepest sympathy to Lt Baron and his family on the loss of his Dad.

I believe everyone has received the figures on the new truck that was recommended by Safety.

The good news is the new truck will be on a 3 year lease so covered by warranty and will be a reduced rate due to our trade in.

In order that we have the truck by December (which is after our old truck is paid off) that we pass it as an emergency tonight.

Legislative Actions

Third Reading- Resolution 14-2015 – A Resolution to increase the rate of pay for Erik Spaulding, Mayor's Court Clerk for the Village of Shawnee Hills, Ohio. It was moved by McVan, seconded by Callender to adopt Resolution 14-2015. Following vote on the motion is recorded: yea, 4; Callender, Gauldin, McVan and Vidor. Nay, none. Chair declared Resolution 14-2015 adopted by a 4-0 vote.

First Reading- Resolution 15-2015- Sponsored by the Finance Committee - A Resolution authorizing the Administrator and Fiscal Officer to enter into a contract with Tax Exempt Leasing Corp. for a lease purchase agreement for a 2016 Ford F350 SRW Reg Cab pickup truck and declaring an emergency

First Reading- Ordinance 21-2015- Sponsored by Planning and Zoning- An Ordinance to amend Section 1117.12 (Amendments to PUD) of the Codified Ordinances of the Village of Shawnee Hills and declaring an emergency. Brian said Council created the PUD and later you are going to see that planning commission is recommending getting rid of SCPD because you have the PUD. Which makes perfect sense to me. There are several properties in the village that are zoned SCPD so on the chance that one of them want to make a development change we needed a formal way to amend their previous SCPD zoning. I think just by default it would have fallen under 1117 the PUD section because there would be no other way but this just makes it clear. The only changes being made to 1117.12 is literally it says: Amendments to an improved PUD, whether under this chapter or former section 1113.12. That is really the only thing being added from what you passed originally.

Council member McVan said I thought the PUD only pertained to properties over two acres. Brian said no it is any property.

Mayor Monahan said this discussion has been going on for about eighteen months. The one thing we have been trying to deal with is multi-housing and I will tell you it has been discouraging because I know I was under the impression, and Brian has clarified that we cannot designate certain areas. What we were really trying to do is to border commercial from the existing residence. I suspect and I know unless I hear something differently I want to kill that in the sense of multiple housing and stay with a patio home type of potential border that we could do. I don't want people worrying about that a lot because it certainly has nothing to do with the end of Westview.

Village of Shawnee Hills Council

August 10, 2015

Council member McVan said for some reason I thought the PUD, like the larger properties we have that can be developed, I thought this was more pertained to those areas.

Mayor Monahan said one of the intentions behind it was that when you come in as a builder, you say gee, I'd like to do this. Well do I buy the property, do I do the engineering, do I get the code changed, do I go for a variance. This was to present much more of a complete package when you come in. It really brings us up to date with the other municipalities.

Brian said likely if you were going to buy one building site you are not going to go through the expense and process of a PUD. You are going to go through straight zoning. Council member McVan said he was just worried that somebody was going to buy a property right smack dab in the middle of some nice homes and try to put a duplex on it. That is his huge concern. Brian said right now that will not happen because you do not have multi-family zoning districts. That is what planning commission is looking at right now. Mayor Monahan said I want people to not worry about that because that wasn't the intention. The intention was, the light bulb finally goes on saying, you take Eileen Drive, but that will probably never be developed because a builder is not going to develop that for two houses because they have to put in the infrastructure. This had to do a lot with that.

First Reading- Ordinance 22-2015- Sponsored by Planning and Zoning- An Ordinance to amend Section 147.03(A) (ABR Plan Review and Approval) of the Codified Ordinances of the Village of Shawnee Hills and declaring an emergency. Brian said one of the things that planning commission looked at was the interplay of ABR with respect to the PUD legislation. As it was drafted planning commission took care of all zonings under the PUD so it left out this outlier of what happens with ABR. Planning commission went back and forth and finally made the decision to have planning commission do all the work for rezoning if it was a PUD. I recommend that you have to amend Section 147.03 because as it currently exists ABR will review the plans if there is not rezoning. If there is rezoning as commercial then they were to issue some recommendation so all of a sudden you had this SCPD and PUD and if you get rid of SCPD there is no longer a need for ABR to do anything if it involves commercial rezoning. So this legislation just gets rid of that. It still keeps ABR involved if it is not a rezoning but if it is commercial rezoning and it is PUD it goes to planning commission. Mayor Monahan said he did not want us to lose the value of the ABR. If somebody was going to do again what was done at the Veterinary hospital it would still go to ABR because there is no rezoning.

Council member Gauldin said so when you pull the ABR review out like you have and rezoning happens at which point does the exterior of whatever is built gets checked against our code. That is what the architectural board of review used to do. Brian said I don't think they did if for a commercial rezoning. That's not what the code says today. Council member Gauldin said not for rezoning but for the building. He said they had to go through multiple boards to get it done so it was going through but now it's not. Brian said the planning commission will look at the entire package of the PUD. This is only if it is rezoned to a PUD.

First Reading- Ordinance 23-2015- Sponsored by Planning and Zoning- An Ordinance to amend Section 1129.03 (Zoning Amendments) of the Codified Ordinances of the Village of Shawnee Hills and declaring an emergency. Brian said he threw this into the mix with respect to the zoning amendments because I remember this came up a while ago where there was a question about how is the zoning initiated. The person, council, I just remember the debate because the wording of the original 1129.03 was a little grey. I reworked the language now so hopefully it should be very clear. It basically says: unless specified under chapter 1117 which would be the PUD zoning, the following general requirements will apply to all request to amend the zoning. So its initiated by ordinance, initiated by application so it is very clear as to the exact direction on how they should be amending.

Village of Shawnee Hills Council

August 10, 2015

First Reading- Ordinance 24-2015- Sponsored by Planning and Zoning- An Ordinance repealing Section 1113.12 (SCPD) of the Codified Ordinances of the Village of Shawnee Hills and declaring an emergency. Brian said this just repeals the SCPD. With the initiation and the adoption of the PUD legislation planning commission looked at it and I recommended that planning commission go with their decision that it should be repealed because there is no need for the SCPD if you have the PUD section.

First Reading Ordinance 25-2015- 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, 2015 and declaring an emergency. Mayor Monahan said this is to add \$3,000.00 to the parking lot.

Bills

It was moved by Callender, seconded by McVan to pay the bills in the amount of \$30,793.75. Following vote on the motion is recorded: yea, 4; Callender, Gauldin, McVan and Vidor. Nay, none. Chair declared the motion passed by a 4-0 vote.

Treasurer’s Report

It was moved by Vidor, seconded by Gauldin to approve the following treasurer’s report: General Fund 379,529.22, Street Fund 137,133.16, State Highway Fund 9,935.06, Drug Law Enforcement Fund 200.00, Indigent Drivers Interlock Fund 385.84, Enforcement and Education Fund 2,010.00, Mayor’s Court Computer Fund 6,832.98, Fire Fund 133,579.93, Weed Fund 5,641.18, TIF Fund 12,832.71, TIF 2 Fund 8,510.96, Veteran’s Memorial Fund 98.97, Capital Projects Fund 5,770.25, Sewer Operating Fund 24,353.87, Sewer Replacement Fund 166,000.00, Storm Sewer Fund 1,461.72, Enterprise Debt Service Fund 143,381.74 and Enterprise Debt Service Reserve Fund 100,115.36 for a total of \$1,137,772.95. Following vote on the motion is recorded: yea, 4; Callender, Gauldin, McVan and Vidor. Nay, none. Chair declared the motion passed by a 4-0 vote.

Executive Session

It was moved by Callender, seconded by McVan to move into executive session to discuss pending or imminent litigation. Following vote on the motion is recorded: yea, 4; Callender, Gauldin, McVan and Vidor. Nay, none. Chair declared the motion passed by a 4-0 vote.

It was moved by Callender, seconded by McVan to adjourn from executive session and return back to regular session. Following vote on the motion is recorded: yea, 4; Callender, Gauldin, McVan and Vidor. Nay, none. Chair declared the motion passed by a 4-0 vote.

Miscellaneous Business

Council member Gauldin asked about the status of the street lights that are out. Shirley said she hear Mark calling someone about them but was not sure what the status is. Ed said he will ask Mark about them.

Adjournment

There being no further business, it was moved by Callender, seconded by Gauldin to adjourn until August 24, 2015. Following vote on the motion is recorded: yea, 4; Callender, Gauldin, McVan and Vidor. Nay, none. Chair declared the meeting adjourned at 7:40 p.m.

Fiscal Officer

Mayor