

## **Village of Shawnee Hills Council Meeting Minutes**

**March 23, 2015**

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

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

Absent: Mahesh Dalvi

Also Present: Fiscal Officer Shirley Roskoski and Solicitor Brian Zets

### **Minutes**

It was moved by Mathews, seconded by Gauldin to approve the minutes from March 9, 2015. Following vote on the motion is recorded: Callender, Gauldin, Mathews, McVan and Vidor. Nay, none. Chair declared the motion passed by a 5-0 vote.

### **Agenda**

It was moved by Callender, seconded by McVan to approve the agenda. Following vote on the motion is recorded. Callender, Gauldin, Mathews, McVan and Vidor. Nay, none. Chair declared the motion passed by a 5-0 vote.

### **Solicitor**

Brian said that he attended a pretrial up in Delaware County Municipal Court on one of our pending criminal matters and really the bulk of everything he worked on the last two weeks has been the legislation that is before Council tonight. He said he will go through each piece of legislation when we get to the readings.

### **Administrator**

Mayor Monahan read the following report from Ed.

Worked with Mark to prioritize code revision. Mark is doing a good job on it and will compile some notes for you to present to Council

Met with excavator about drainage on Wyandotte (new house). Problem is resolved at least temporarily until weather is better.

Spoke again with Aspen Energy about gas aggregation plan which I think is a good thing. He will be at Council on the 23rd to give a brief presentation.

Had several calls with developer (potential) about the n/w quadrant.

Spoke with Chris and John Kincaid about the size and type of pump station needed to serve the 30 to 40 homes that may be built on the parcels (n/w quadrant).

I authorized John Kincaid to speak directly with developer's engineer to work out what in John's opinion is the proper lift station with dual alarm systems to monitor malfunctions.

Will start road work review the first week of April.

## **Police Chief**

Chief LeFever said that he did not get the grant funding for the AED's so what he has been thinking about doing and he brought this up in Safety and there is probably a formal way to bring this to Council but I will just put the bug in your ear for the time being. We received a donation at the end of last year from the Welcome Wagon roughly about \$2,400.00 and that was something that we thought should go back into the community somehow, something that the police department could use but somehow go back and be directly related to the community. Since we didn't get the AED funding, what I would like for council to consider is if the village would be willing to make a \$600.00 donation, the police department would use the welcome wagon donation to purchase two AED units along with all the training for village personnel and that would put a unit here at the Municipal building and also one at the police department and we would still keep one in the cruiser. On special events we could take the one out of the police department and have two mobile units.

Chief LeFever said that he and Sergeant Cullen are both up for their five year body armor replacement this year. He said they will be getting awarded the grant for the body armor again so they will recoup fifty percent of the cost of the body armor. We started writing that grant in 2010 and we have received it every year except one.

We have started our Memorial planning. Lt. Baron has done a lot of work on the operations plan. We have completed the traffic plan which has been submitted to Mark. This outlines where all the no parking, no stopping signs need to go and the date we need those to go out. We have our first official meeting with Dublin next week and then we have another meeting the following week. We have already met with the Bogey several times. We are still debating on the location of our substation this year.

The new cruiser is still on schedule for the end of April, early May. All the equipment has been ordered and most of it is sitting at Hall and waiting for install.

Chief LeFever passed out the department stats for the years 2011 through 2014 showing what types of calls that they deal with. He said there are some current issues on the agenda regarding potentially a raise in pay and these are some things I would like you to consider moving forward when you think about that legislation. Our stats speak for themselves. We do our best to provide excellent services to the village and unfortunately some people only see the traffic stops or some people only see the occasional house check or business check but it is really hard to put everything in a perspective when you see it. A good example, if you look at 2014 how many of you would have thought there were 22 accidents that we handled in the village. You don't hear about them so you don't think about them therefore they don't happen, but that's not the case. He said he just wanted to give council these numbers just so you have something to look at to see what we are doing and the other thing that I give hats off to all of the officers is that although we may have the reputation of being a speed trap, our stats would indicate something otherwise. Something I think is an interesting number to point out is in 2014 our officers engaged in 842 traffic stops. Traffic stops and domestic violence are the number one cause of serious injury, accidents or deaths of law enforcement. Our officers are doing their job and are doing it very well.

## **Visitors**

Jay Sell from Aspen Energy was present to discuss a natural gas aggregation program for the village. He said they are currently working with other municipalities; the biggest one at this point in time for the November ballot would be the City of Shelby which is about four thousand

homes. We would actually pool you together with them which would increase the buying power greatly. He said they are looking to add ten to fifteen thousand users for the November ballot. He said there will be product flexibility so you will have options on whether or not you want to select as a default product, a fixed price or a variable rate. We will have different suppliers that we will bring to the table that we will shop for you. We do this at no cost obligation or exclusivity.

This is basically an opportunity for the residents to vote on it and see whether or not they would like to put their buying power together and aggregate the load. He thinks this would be a good thing and give the residents an opportunity to have a lot better price than either the stated choice offered through Columbia Gas of Ohio or that they could find on their own.

Diana Gauldin, 85 E. Wyandotte Drive was present to talk about speed bumps. She said she was there representing all the residents on Wyandotte Dr. We are opposing the installation of speed bumps. We do not want speed bumps. She said she knows they are considered calming devices which is kind of hard to determine because there was anything but calm reaction when we got them last fall. But everyone said okay, construction, I will deal with it. She said rumor through the grapevine is that they may be coming back in the spring. Just in case the rumor is true we want to make sure our concerns are heard and I also understand you can't make decisions based on opinions and emotions so I did a little research and found that quite a bit of study has been conducted on them and the following is what she found:

- While calming devices are built on the premise they will reduce accidents, comprehensive studies have been conducted by multiple organizations which identified several risks.
  - Organizations involved include: o Institute of Transportation Engineers (ITE) o National Motorist Association o Access Safe Streets o Federal Highway Administration (FHWA) o Americans with Disabilities o City of Portland, Maine o Federal CMAQ Program (Congestion Mitigation and Air Quality)
  - Risks reported in the various studies include: o Impede Emergency vehicles' response time by 13 seconds per speed bump which could result in an increase in death and permanent injury as a result of emergency vehicle delays. With this in mind, the ITE Guidelines for the Design and Application of Speed Humps, 1997, states they should never be placed on emergency response routes. o Aggravate conditions associated with spinal and neck disorders. o Increase cost of vehicle maintenance by 50%. o Increase neighborhood air pollution by 48%. o Increase the instances of road rage. o Decrease property values and increase the length of time homes stay on the market. o Increase pedestrian deaths because drivers drive erratically to avoid the bump. o Decrease safety of bicyclers and motorcyclists by providing an obstacle o Increase noise level. In addition, the slower speed makes the noise last over a longer period of time.
  - The study commissioned by the Institute of Transportation Engineers (ITE) and the Federal Highway Administration (FHWA) on traffic calming projects in the United States concludes: o "Traffic calming in the U.S. is largely restricted to low volume residential streets. Collisions occur infrequently on such streets to begin with, and any systematic change in collision rates tends to get lost in the random variation from year to year. This limits our confidence in drawing inferences about safety impacts of traffic calming." o (Traffic Calming: State of the Practice, Reid Ewing, 1999, P. 123)
  - In addition to not being proven as a truly effective approach, speed bumps breakup the continuity of the roadway by inserting a barrier one is then forced to traverse. Great Britain has reported they have had to spend millions to remove speed bumps as a result of issues which have

arisen as a result of individuals' with disabilities. Currently there are cities in the United States that are facing litigation based the premise that speed bumps preclude many with disabilities from utilizing certain streets, and some members of the Bar Association have gone on record stating cities could be held liable not only because of injury caused directly by a speed bump, but for injury and damage incurred by actions made by drivers because of the device, such as swerving around them, and/or for personal injury or death caused by emergency response delays caused by speed bumps

- This documentation presents multiple facts, but more important are the people - and the residents that have signed this petition do not want a speed bump on their street. Not only do they find the method ineffective, but it is a hinderance. Some residents are forced to navigate a different route, which means more traffic flow elsewhere in the village such as the intersection of Wyandotte & Dublin Rd (which we already know is not a safe intersection for traffic exiting southbound onto Dublin Rd). Others have expressed how it negatively impacts the welcoming environment we are proud to be a part of. One resident lovingly refers to our neighborhood as 'The Shire'. We would like 'The Shire' to remain as the cozy, friendly neighborhood we moved into. As representatives of the people, we ask you to please honor that request. Please do not install speed bump(s) near our properties.

Mayor Monahan said the speed bumps that were installed last year were because of the cut-throughs during the construction and that has decreased significantly since the project was completed. He said last year we were asked by E. Seneca and E. Old Powell to have the speed bumps there because of the cut-throughs. He told her that they would not have speed bumps on their street.

Council member Callender said I am glad she came and told this story about speed bumps because he is not in favor of them and I have a story about speed bumps where my son got hit because of a speed bump. Someone swerved around one and hit is son who was on a bike. He is not a believer at all in speed bumps permanently in the village.

### **Communications**

Dan and I talked after the last meeting and when we have Emergency Legislation brought up I want a paragraph stating why it is necessary to be an emergency. I understand we occasionally get housekeeping and other issues that come up but believe with planning and proper considerations by our Committees and Boards we can lessen the need for Emergency Legislation and give time for input.

### **Mayor's Report**

I participated in Mayor's Meals on Wheels on last Wed Mar 18<sup>th</sup> and I can say enough what a great job they do and the time and effort of the many volunteers and the job they do for the seniors in Delaware County.

On Tuesday the 10<sup>th</sup> I participated in the annual Delaware Health District mtg.

I have looked over the RITA top 25 Report and from Dec 14 through Feb 15 we are \$48,600. Over last years' tax collection in the same period of time.

The RITA business Tax Audit has continued and I believe it is safe to say we will have identified over \$15,000.00 worth of taxes we hadn't collected.

I would ask Finance to look at the TIF 1 Funds. We have approximately \$12,200. On the TIF and believe it would be well spent to purchase and install 2 streetlamps and a bench in the Memorial park.

Please keep looking for potential donors for a pavilion for the park. I think a 30 ft x 15 ft pavilion would be a great addition in helping complete the park.

There has been a considerable amount of research done for Resolution 6, 7, 8, 9 and 10- 2015 and I ask you please take the time to study the material.

### **Pro Tem Report**

Pro Tem Mathews moved that we allocate \$600.00 for the two AED's for the Village to go along with the \$2,400.00. Seconded by Gauldin. Following vote on the motion is recorded: yea, 5; Callender, Gauldin, Mathews, McVan and Vidor. Nay, none. Chair declared the motion passed by a 5-0 vote.

He said the developer that touched base with us a month ago about the Cedarbrook property is looking at the Westview property also.

He said he got a steel, yellow trash can yesterday for the park.

### **Committee Reports**

Council member Gauldin said that UST met and they talked about the paving projects and they want to seriously look at the piece of Glick Road that was not touched during the intersection project. We want to seriously look at replacing that piece this year. We also talked a little bit about tech. At one time we talked about Microsoft Office 360 and we realize there are certain aspects about that that would probably help the administration but the bigger picture of tech we would like to know from the administration other items that should be on the list that we should investigate.

Mayor Monahan said one thing he thinks would be a big deal is the ability to schedule meetings in Outlook.

Council member Gauldin said they did talk about the next phase of fire hydrants also.

He said they would also like to look at the landscaping plans for the park when they come in to see how the pavilion would fit in and to see how we could help in any way.

### **Legislative Actions**

Second Reading- Resolution 06-2015 – Sponsored by the Finance Committee – A Resolution repealing Resolution 04-2014 and establishing a new rate of pay for Mark Katzenbach

Second Reading- Resolution 07-2015- Sponsored by the Finance Committee – A Resolution repealing Resolution 01-2014 and establishing a new rate of pay for Shirley Roskoski

Second Reading- Resolution 08-2015- Sponsored by the Finance Committee – A Resolution repealing Resolution 13-2014 and establishing a new rate of pay for Erin Cullen

Second Reading- Resolution 09-2015- Sponsored by the Finance Committee – A Resolution repealing Resolution 18-2014 and establishing a new rate of pay for Russell Baron

First Reading- Resolution 10-2015- Sponsored by the Finance Committee – A Resolution repealing Resolution 19-2014 and establishing a new rate of pay for Sean LeFever

Second Reading- Resolution 11-2015- A Resolution to authorize the Administrator and Pomeroy and Associates, Ltd. to issue a competitive bid package related to the waterline improvement project for the Village of Shawnee Hills, Ohio

First Reading- Resolution 12-2015 – A Resolution declaring September 2015 Prostate Cancer Awareness month for the Village of Shawnee Hills. Ohio

First Reading- Resolution 13-2015 – A Resolution that the Village of Shawnee Hills host a village wide picnic late summer/early fall at the Ohio Wildlife Center

First Reading- Ordinance 08-2015- An Ordinance to amend Section 1313.06 (Trimming of trees and shrubbery) of the Codified Ordinances of the Village of Shawnee Hills

Brian said that during Mark's review of the ordinances it came to his attention that what was subsection C. which said Council shall cause written notice and give the property owners notice to trim the trees. Mark said that should be changed so that Council doesn't do it, it should be either the administrator or the forester and once Brian reviewed it he amended that section and added in language that talks about trimming trees and shrubs and also so that they don't obstruct traffic control devices. He also added giving notice for people to do this that service can be made personally or by posting a copy of the notice in a conspicuous location. He said old Section D talked very generally about putting the cost on the property and he did not think the language was very good so he changed it to read what you wanted it to do.

First Reading- Ordinance 09-2015- An Ordinance repealing Section 133.02 of the Codified Ordinances of the Village of Shawnee Hills and creating, establishing, and adopting Section 1105.05 of the Codified Ordinances of the Village of Shawnee Hills

Brian said this is another section that Mark brought to my attention. He said notification of land/lot splits was tucked in the section that dealt with the Fiscal Officer. He said he is moving it to a more reasonable section in the code where someone would be looking for it and he added some additional language to create a process if someone decided they want to split a lot.

First Reading- Ordinance 10-2015- An Ordinance to grant variances to the provisions of the Shawnee Hills Code Section 509.09 to allow applicant, Bogey Inn, to deviate from time and volume standards for the Memorial Tournament

First Reading- Ordinance 11-2015- Sponsored by Planning and Zoning – An Ordinance repealing Section 1117.01 and Section 1117.03 of the Codified Ordinances of the Village of Shawnee Hills

Brian said in the whereas clauses it really lays out why these two sections are being repealed. Over the years there have been sections that have been repealed which left us with two odd

sections section that no one uses so to clean it up he is just repealing these sections and we will create a new section for the PUD.

First Reading- Ordinance 12-2015 – Sponsored by Planning and Zoning – An Ordinance creating a new Chapter 1117 of the Codified Ordinances of the Village of Shawnee Hills, (Planned Unit Development)

Brian said this actually creates what will be the new Chapter 1117. He said for as long as it is you can actually walk your way through it. It is just a different way to be able to rezone properties with mixed uses and development. It is not saying every development here on out will be a PUD. It does offer you the ability to create the zoning text and the things that you want and this basically sets up the criteria. There is criteria in here for a preliminary development plan, a final development plan, the things that need to be included in those plans and how they are actually approved. He said he also included in here, which was not in some of the other ones, is an amendment to a PUD. He said the PUDs are good for two years so if someone wants to amend one after the two years he wrote that in this section.

Mayor Monahan said the one thing I would like you to consider is that we looked at our current boundary in Shawnee Hills and we can say we have some properties where this would be really good but we have to also consider our growth areas.

Council member Gauldin said so the Planning Commission will issue an opinion and we will get a copy of it one way or another. Brian said correct. Council member Gauldin said if it is approved it will come to us as an ordinance? Brian said the process is still just like a zoning on its most basic lever. Planning Commission always takes a look at it and they give you a recommendation and the final decision is on Council whether it should be rezoned. This content is being rezoned as a PUD as opposed to residential to commercial. Council member Gauldin asked if Council's decision was final or was there another step. Brian said the applicant could file an administrative appeal to the County.

### **Bills**

It was moved by Callender, seconded by McVan to approve the bills in the amount of \$19,113.67. Following vote on the motion is recorded: yea, 5; Callender, Gauldin, Mathews, McVan and Vidor. Nay, none. Chair declared the motion passed by a 5-0 vote.

### **Treasurer's Report**

It was moved by Mathews, seconded by McVan to approve the following treasurer's report: General Fund 289,839.65, Street Fund 59,694.87, State Highway Fund 9,071.86, PD Body Armor Fund 542.83, Drug Law Enforcement Fund 717.00, Indigent Drivers Interlock Fund 385.84, Enforcement and Education Fund 2,010.00, Mayor's Court Computer Fund 7,731.61, Fire Fund 71,898.47, Weed Fund 7,813.75, TIF Fund 12,189.13, TIF 2 Fund 2,232.47, Veteran's Memorial Fund 98.97, Capital Projects 9484 Dublin Rd Fund 5,770.25, Sewer Operating Fund 40,602.80, Sewer Replacement Fund 166,000.00, Strom Sewer Fund 3,188.05, Enterprise Debt Service Fund 99,887.07, Enterprise Debt Service Reserve Fund 99,852.90 for a total of \$879,527.52. Following vote on the motion is recorded: yea, 5; Callender, Gauldin, Mathews, McVan and Vidor. Nay, none. Chair declared the motion passed by a 5-0 vote.

**Adjournment**

There being no further business, it was moved by Gauldin, seconded by McVan to adjourn until April 13, 2015. Following vote on the motion is recorded: yea, 5; Callender, Gauldin, Mathews, McVan and Vidor. Nay, none. Chair declared the meeting adjourned at 8:04 p.m.

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Fiscal Officer

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Mayor