

## Village of Shawnee Hills Council Meeting Minutes

September 8, 2014

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

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

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

It was moved by Dalvi, seconded by Vidor to approve the minutes from August 25, 2014 with the following amendments: on page 14 remove the word *is* and correct Tom Stalf's spelling of his last name. 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 Dalvi 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.

### **Solicitor**

Brian Zets said that he worked on a criminal pretrial and that case was resolved and the rest of his time was spent on zoning issues and legislation and that is really spelled out by all the pieces of legislation that are on tonight's agenda. He said he can take questions now or it will be easier and better reserved for during the time that these ordinances are read.

### **Administrator**

Ed said that he met with the sidewalk contractor and walked the entire sidewalk. He said there are a few small issues, a couple of cracks that he needs to repair. There is still one section that has a gas meter in it that we are waiting for the gas company to remove. Hopefully it will get moved this week or next. The paint striping for the crosswalks will be done this Wednesday. Hopefully the lighted crosswalk signs will be here the following week. The blacktop going to the sidewalks has been completed. Ed said he added two small full depth reclamations to the blacktop project. The overlay blacktop work is scheduled for September 12<sup>th</sup>.

Mark will start the sewer inspections this month. This is an annual inspection. Mark inspects the grease traps quarterly.

Ed said he will be meeting with the EPA/Delaware County and Leatherlips tomorrow in regards to Leatherlips connecting to our sewers.

### **Visitors**

Sam Awad, 100 E. Pawnee Dr. said that he came here earlier today to get copies of the minutes from the last meeting and also a copy of the ordinance that was going to be voted on tonight with respect to the keeping of animals. After reading the minutes, especially the part where Council member Dalvi's special interest to review the ordinance and obtain neighbor's court decision to see if my fines were paid, etc. I saw so many more important issues that could be reviewed and I

read that the Mayor suggested to create a committee for that specific reason of review of ordinances. It seems to me that the only one that matters now is the ordinance about chickens that was quickly prepared and read for this meeting. It was a surprise to me. As a one year resident of Shawnee Hills I am very disappointed and frustrated by the attitude of Council, that uses his power to change something that he wants and more than anything a personal matter. Chickens have been in communities for thousands of years. My Mom had them in her backyard in Brazil and we loved it and it was in the city not the country. I know many people that have the memories of having chickens being part of their family when they were kids, along with cats and dogs. Sixty five percent of the United States, cities, that's more than half, has awakened to the sustainable benefit of backyard chickens. Columbus, Bexley, Worthington allows chickens. Powell is in the process of allowing them. He said our backyard neighbors, Concord and Liberty Township does also. Bexley Mayor, Ben Kessler sent us an email saying: For what it's worth, we are proud of our code allowing them and we have not had any issues with residents keeping chickens on properties ranging from a large space that keeps chickens down to a small bungalow. All cities are going forward and they want the chickens. For me, with this ordinance, it looks like Shawnee Hills is going backwards because we have this so why would we get rid of it. I wish instead of 100 feet it could be 50 feet and instead of 100 chickens it could just be 14. The same people that now recycle are also learning the benefits of being green, its organic, no GMO and keeping backyard chickens, bees, vegetable gardens, greenhouses, all of these are part of the process of changing the world. So all of these are being accomplished in very different ways and we can see chicken coops that sell for \$2,000.00 on EBay from brand names like Williams Sonoma. Times are changing as the village has seen. You see how busy the vegetable Market is here, everybody stops there, they love it. When we were informed about the complaint, we went to our neighbors and apologized if it was an inconvenience. The only one that we did not talk to was our front neighbor that did not like my valuable antique doors painted by a local artist. He said six neighbors loved the idea of the chickens, they all came to see the chickens, all kids play with our chickens and they say they would love to have some. Even Council member Dalvi's wife said that they don't have a problem and if she had the space and the time to take care of them she would love to have them. She did not know that he was the one that complained. He said his question is why not ask the residents their opinion. He said you talked at the last meeting about doing a survey for the speed bumps. Why not ask our residents about chickens, that's what matters to us, it is our voice, it's not coming from the top to the bottom and I think we should raise from the bottom and then divide the powers amongst our goals at the top. It can't be any clearer that because Council member Dalvi and his friend Amy complained that this is on the agenda tonight. So as a resident I should feel like the Council represents the community and works for the communities' best interest not individual's best interest, especially in a small village where friendship should prevail. We all want to know everybody in the neighborhood. When we bought the land here, the house, we came to Happy Hours to meet people because we want to meet our neighbors. I am really disappointed and that is why I am here speaking tonight and I would like to ask the Council members to approach this amended ordinance objectively and consistently as all ordinances may be decided.

Mayor Monahan said there are six pieces of legislation tonight, not just that one and I do want you to know this is the first reading of this particular piece of legislation. The second reading is a public hearing so you will find out there are many issues even if you put out, what do you think, you don't get many people that show up. Warren is our consistent person that shows up. I hope

you understand, and you will be grandfathered if we pass the legislation provided you abide by the current ordinance. Sam said he would like to see more people be able to have chickens. Mayor Monahan said do you realize you scare the hell out of people that there might be pigs and sheep and everything else, do you realize that. Who wants that?

Council member Dalvi said he wants to make a comment. One is that when people's including my wife's name is used, I would be careful about using what someone said because I don't believe what was stated is true. I know my wife so I know also what my neighbors views are so let's not get into that. Second of all, this is not about chickens, it's about lifestyle. This is not a chicken ordinance, this is a broader ordinance about lifestyle and others so I want to make sure that this is documented, it is not about chickens. This ordinance has been put together out of a concern and it was done based on research and we have put other ordinances together in two days, so this is not something that we have not done before. In some cases we have passed ordinances as emergencies and we could have done that today but we did not, we had a first reading today.

### **Communications**

Mayor Monahan gave the following report:

I believe you have all received the August 14 Police Statistics

I believe we all received the notice from the Delaware General Health District. I asked Shirley to link it to our Website. The bulletin announced an invite to Teens to a Stand up Leadership camp being held Saturday Sept 27th and Sunday Sept 28th. It is being run as a campout at Recreations Unlimited near Ashley.

The notice will be in the office if anyone is interested in attending.

I did get a letter from Mary Gates who lives over on West Mohawk said we would like to ask that the southwest corner of Dublin Road and West Mohawk Drive be repaired. Last winter the snow, salt and ice destroyed most of the asphalt and it is now crumbling as traffic drops off and grinds off more asphalt. My new neighbor across the street also mentioned this and I told her I was going to write to Council regarding this especially since winter is approaching.

I asked Ed if this would be covered with our road work. Ed said it is not going to be a huge overlay thing but it will be addressed.

### **Mayor's Report**

Mayor Monahan gave the following report:

#### AUGUST 2014 MAYOR'S COURT REPORT

##### RECEIPTS

\$8074.15 Total receipts

##### Disbursements

\$1,426.00 Treasurer, State of Ohio

\$48.00 HB 562 IDAT Fund

\$6600.15 General Fund

\$400.00 Computer Fund

\$8074.15        Total Disbursed  
Erik Spaulding  
Mayor's Court Clerk

On Sept 4<sup>th</sup> we completed the interview process for Tim Pyle JR and I offered him an Auxiliary Police Commission and swore Officer Pyle in. Tim is a great addition to the Shawnee Hills Police He is a Delaware County Fire EMT.

I will be meeting throughout this month with 3 different significant potential annexation properties and administrations. We have prepared and will be mailing this week the letter to those properties that are contiguous to our current sewer system inviting them to annex into the Village. More to come on this!

Please remind everyone you can that our Village picnic is on Sunday the 21st at the Ohio Wildlife Center from 1 PM to 5 PM.

I need any inputs you have for a newsletter by noon this Wed. For all of those "we need to let everyone know reminders that have come up" please write it up and send it to me in email and once I have the articles I will put it together and send it to Shirley to correct my grammar and spelling and send out.

Where are we on the investigation of the new website?

This year at our Veterans Day celebration (exactly 2 months from today) we will be doing a special honoring of the Desert Storm, Iraq and Afghanistan vets. Please let me know of any residents and relatives of residents who have served in those 3 wars. I will need name and contact information to follow up with them so they are included.

### **Pro Tem Report**

Pro Tem Mathews said he met with Brandon who is doing his Eagle Scout project and his budget for the information center is twenty to thirty dollars below his original estimate. He received a lot of feedback from the playground committee, what their concerns were after the first couple of weeks after the playground was installed as far as safety and obviously the landscaping will be cleaned up but overwhelmingly most people want those swing sets to stay. I think we have to decide do they both stay. Council member Dalvi said if they stay can we do something about them to make it look better. Council member Mathews said the chains look good. Mayor Monahan said he went out and investigated and there is some stuff that we can put on the swing sets to fill in cracks and splinters in the wood and we can buy new baby seats. The other set is sitting too close to the sidewalk for regular swings so we may be able to purchase a glider to put in there if necessary.

Council member Mathews said that Mrs. Herzog, who is a landscape architect, will do a landscape plan for this area.

He said as far as the safety things for the playground and the Mayor got some prices on things and what he had listed was refurbish the swing sets, remove some dead trees around the police station, lighting for the camera and fencing.

## **Legislative Actions**

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

First Reading- Ordinance 21-2014- 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. Council member Gauldin asked of the changes here what did not go in front of finance. Shirley said the increase in fuel for the police department and they are getting some money from Double Z to have a cruiser parked down at the intersection during the construction. The grants /match is for the two radios that the Police have been granted but we have to pay for those first then we get reimbursed by the grant. The safety items/Information Board was on the last reappropriation ordinance and was removed prior to approval. She said the Capital Outlay under the streets was approved by Finance but she forgot to add it to the last reappropriation. It was moved by Dalvi, seconded by Gauldin to suspend with the second and third reading of Ordinance 21-2014 and declare it 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 Gauldin, seconded by Dalvi to adopt Ordinance 21-2014 as an emergency. . Following vote on the motion is recorded: yea, 6; Callender, Dalvi, Gauldin, Mathews, McVan and Vidor. Nay, none. Chair declared Ordinance 21-2014 passed by a 6-0 vote.

First Reading- Ordinance 22-2014- An Ordinance amending Section II of Ordinance 493-85 to allow horticultural greenhouses on lots 848 and 849. Mayor Monahan said this was the case where effectively we went to Cedarbrook and they had the greenhouses out back. What we were out to do was not to drive a stake through the middle of the business but additionally to protect the Village and what you will see in there is some significant language. We had a hearing through planning and zoning and planning and zoning unanimously recommended this and it says except for a horticultural greenhouse that has been fully approved and permitted by the village, nothing in this section shall prevent the Village of Shawnee Hills from being able to use Adlick Drive right of way and the current and subsequent owners accepting this zoning subject to Adlick Drive right of way so effectively what we are doing is limiting the only thing that can be on there is horticultural greenhouses. Council member Mathews said he initially had something like awnings and when the storm took those out he built greenhouses so we are essentially allowing those greenhouses to remain. If he happens to sell the property only greenhouses can go there. Mayor Monahan said ABR and everybody else has to approve the greenhouses. Council member Gauldin asked if there is any understanding of why back in 85 the text no buildings or driveways was put in. Mayor Monahan said we went through all that and it was an interesting discussion. They said Concord Township was doing some of our things and you go back to 85 and now you are looking for records and they said, but they said it was okay. Well the initial structures were plastic over the top of things that were driven into the ground. They blew down in 99 during a storm and Larry rebuilt greenhouses. It was one of these things that you could preface to say gee you knew what you were doing and you did that and we didn't take it to that end but we did ask the question you do understand that we have the right, if we have to come through with a sewer pipe or anything else, you have to remove the greenhouses. Council member Gauldin said and that was probably why that was in there to keep anything permanent from being on that road.

Brain Zets said that is correct because if you look at the original ordinance it says for storage of trees and shrubs only and the second section that is being amended says no driveways or structures so my guess is it was intended to store things, not build things because of the right of way.

First Reading- Ordinance 23-2014- An Ordinance to amend Section 1129.02 (penalty) of the Codified Ordinances of the Village of Shawnee Hills and declaring an emergency.

Brian said one of the things that was mentioned was that we needed to take a look at the penalty sections and try to make them consistent with having a minimum penalty. Some of the sections had it and some did not. He said 1129.02 deals with any part of the zoning ordinance and it just had a maximum fine of \$100.00 and no minimum fine. With this amendment there will be a minimum fine of \$10.00 per day for each occurrence. It was moved by Dalvi, seconded by Callender to suspend with the second and third readings and declare Ordinance 23-2014 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 Dalvi, seconded by Callender to adopt Ordinance 23-2014 as an emergency. . Following vote on the motion is recorded: yea, 6; Callender, Dalvi, Gauldin, Mathews, McVan and Vidor. Nay, none. Chair declared Ordinance 23-2014 passed by a 6-0 vote.

First Reading- Ordinance 24-2014 – An Ordinance to amend Section 1313.07 (Animals) of the Codified Ordinances of the Village of Shawnee Hills. Mayor Monahan said this is the one we talked about before. What we are talking about is prohibiting livestock. Brian said that he took a look at our code and there is a section 505.01 that talks about animals running at large. It prohibits animals from running at large and chickens are included in that section of the code. He said 505.15 prohibits wild or exotic animals and he thinks he listed that in the whereas clause. He said he reviewed a lot of other codes and tried to take what he believed was some of the best language and philosophies and basically melded it into what you have here. Council member Callender asked what is actually being changed on this ordinance, can you point out what sections. Brian said it is a complete change. He said currently 1313.07 simply says: No person shall keep any pig, horse, cow, goat, three or more dogs at least three months or age or any animal or animals or any fowl or poultry in any pen, yard, lot or other enclosure situated within 100 feet of an inhabited dwelling house other than the house of the owner of such animal or animals, fowl or poultry. The one presented tonight is really a prohibition on these types of animals.

Council member Callender said maybe I am not understanding but it seems like its mentioning some animals and fowl in our current one and it seems like the distance that they are being kept to a residence is the big issue or not the big issue but, you have a residence here and our current code says any animals have to be 100 feet or more away from the neighbor's home. Here we are just saying we don't care if it is 100 feet or 10,000 feet we are not allowing it to happen, is that correct. Brian said yes.

First Reading- Ordinance 25-2014 An Ordinance to amend Section 1113.04(d)(1)(F) (Maximum Site Coverage for R-2 Zoning) of the Codified Ordinances of the Village of Shawnee Hills and declaring an emergency. Brian said he had a few conversations with Mark about this. He said you all know we have very small lots and most people combine them to build houses and other structures and the current code reads, in this specific section, we are talking about just R-2

zoning, the code only talked about maximum impervious surfaces and Mark said there are lots of people coming in now and they are building bigger, nicer homes so that twenty percent coverage is where it currently sits but Mark said it really is not realistic to have just that because there are other sections of the code regarding non-conforming lots that actually breaks out a percentage for impervious being your house, the structure, and then overall impervious site coverage which is your driveways, your patio and everything else. Mark's recommendation was to move to change the R-2 zoning so it has an impervious for structures and an impervious maximum coverage for non-structures. Council member Dalvi said this is the issue we brought up last time about the density of our houses is increasing. People are building larger houses on the same size lots. Brian said this is allowing an extra fifteen percent of site coverage. Council member McVan asked why is this an emergency? Ed said for some reason we had an opinion that the twenty percent included the structure, driveway, sidewalks, etc. When our engineer Chris Tebbe looked at it he said no it is not that it is only for the house itself. That is what got us to looking at it. Twenty percent on six lots (conforming lot) you can build a 2900 square foot house and on five lots (nonconforming lot) you can build a 3780 square foot home because you can have up to 30% site coverage and in addition to that you have an additional 15% for a driveway, sidewalks, etc. so it is really not fair. Council member Dalvi asked if this was blocking someone from building right now. Ed said yes and this is what brought it to our attention. He said the applicant would have to do paver or impervious concrete and those are more expensive. These changes make it more compatible with the nonconforming lot codes. It was moved by Dalvi, seconded by Callender to suspend with the second and third readings and declare Ordinance 25-2014 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 Gauldin, seconded by McVan to adopt Ordinance 25-2014 as an emergency. . Following vote on the motion is recorded: yea, 6; Callender, Dalvi, Gauldin, Mathews, McVan and Vidor. Nay, none. Chair declared Ordinance 25-2014 passed by a 6-0 vote.

### **Bills**

It was moved by Dalvi, seconded by Gauldin to pay the bills in the amount of \$181,436.27. 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 Gauldin, seconded by Callender to approve the following treasurer's report: General Fund 337,973.44, Street Fund 98,710.49, State Highway Fund 7,532.82, 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 10,146.66, Fire Fund 63,846.57, Weed Fund 11,129.40, TIF Fund 4,800.47, TIF 2 Fund 1,743.36, Veterans Memorial Fund 98.97, Capital Projects Building Fund 90,065.76, Capital Projects 9484 Dublin Road Fund 5,770.25, Sewer Operating Fund 56,070.41, Sewer Replacement Fund 126,000.00, Storm Sewer Fund 3,276.20, Enterprise Debt Service Fund 131,051.32 and Enterprise Debt Service Reserve Fund 99,503.44 for a total of \$1,051,384.73. . 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.

There being no further business, it was moved by Gauldin, seconded by Callender to adjourn until September 22, 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 8:07 p.m.

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Fiscal Officer

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Mayor