

Village of Shawnee Hills Council Meeting Minutes

March 28, 2016

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

Council in Attendance: James Gauldin, Douglas Gil, Dan Mathews and Josh Vidor

Also Present: Fiscal Officer Shirley Roskoski and Solicitor Brian Zets

Minutes

It was moved by Gauldin, seconded by Vidor to approve the minutes from March 14, 2016 with the following amendments. On page 5 correct the spelling of YouTube, on page 10 remove the second *this* and on page 13 change three years to two years. Following vote on the motion is recorded: yea, 4; Gauldin, Gil, Mathews and Vidor. Nay, none. Chair declared the motion passed by a 4-0 vote.

Agenda

It was moved by Gauldin, seconded by Mathews to approve the agenda with the following amendment – Chris Tebbe will speak in place of the Administrator. Following vote on the motion is recorded: yea, 4; Gauldin, Gil, Mathews and Vidor. Nay, none. Chair declared the motion passed by a 4-0 vote.

Solicitor

Brian said he talked with Paul Lafayette and the Calvey litigation is wrapping up. We had a settlement with her where she released all of her claims against the village then all the defendants got together and they wanted to execute a release releasing each other from any claims. Paul is working on finishing that up and getting all the signatures and Shirley will have that soon so that will be taken care of.

He said he worked on the Burchfield matter. There have been lots of emails and it is progressing. He had an arraignment this morning in Delaware Court due to a domestic violence and assault arrest over the weekend.

Village Administrator

Village Engineer Chris Tebbe spoke in regards to the Burchfield matter. He said he has been working with Larry's attorney, his engineer and the village going through everything. Since the last meeting they have proposed a secondary alignment to go around the existing greenhouses. He supplied Council with a copy of the plan.

Chris said the impact this has is it adds sixty two feet to the total length of the ditch. It goes around the building and as discussed at the last meeting this requires easements from Larry and his neighbor. Chris said his original design had three hundred cubic yards of cut; this is about four seventy. I talked with Mike Eger and Ed met with him today to go over the proposed plan. Chris said the original estimate based on my original design was \$15,700.00. The additional cost for this proposed secondary plan is \$12,000.00. This will also require more trees to come out than before. Larry's attorney is not here tonight but I think we can come up with a working

agreement of what is going to be required. The easement has been prepared for Mr. Burchfield to give to the village and also for Bill Daulton, his neighbor.

Chris said from an engineering aspect, if Larry is willing to provide the easement and pay for the extra cost, engineering wise it will function the same and Mike Eger told him that weather dependent they will be able to start clearing the necessary trees at the end of next week and start construction the following week regardless of which path is chosen.

Chris said that Mark Katzenbach brought up a point that he did not think of. Part of the alignment is going around the building and going into an area where there is existing brush and trees along the northeast corner of the greenhouses. There is about one hundred feet of trees that are going to be taken out that are part of Cedarbrook's landscape plan so these will need to be replaced according to the agreement he has with the ABR.

Chris said the easement and whatever documents need to be signed need to go to the attorney to be recorded.

Mayor Monahan asked Chris what needs to be done so we can move forward.

Chris said the plan has been revised to this point. The engineer has finished his work on that. The items which need to be done is: the easements need to be executed, there needs to be some sort of written commitment which the attorneys are drawing up, and a check needs to be provided to the village for the additional cost.

Larry Burchfield said originally this overage, when we first started talking, was going to be around six thousand dollars. Now all of a sudden I find out at noon today that it is twelve to fifteen thousand dollars. Larry said that he talked to Bill Daulton today and he is going to give the village an easement to go down along Shawnee Trail and remove all the evergreen trees. Larry said the trees are under the electric lines anyways and need to be removed. This route will make a more permanent solution than the one we have. If it is only that much more I would be willing to do that and get this thing solved permanently instead of the other way that we are going.

Mayor Monahan said I do not think anyone wants those pine trees removed from a screening standpoint. Larry said they are right under the lines and the tops have already been cut off by the electric company.

Mayor Monahan said the main thing I want to know is when will we have everything done so that Council can make a decision. Is it the eleventh or the twenty fifth because I don't think we are in the position to make a decision?

Chris said by the eleventh I prefer to be under construction as soon as possible, if not immediately after that.

Mayor Monahan said I have been asking for a month to get something signed saying that this is agreed to and I know that we shifted things.

Chris said everything was pretty much ready to go until this afternoon when the route changed again.

Council member Vidor said what are we gaining Larry, because I am a little confused.

Larry said just give me a little more time, maybe a week then we will have it ready to go the other way. It is only costing me twelve thousand dollars to go this way and it would cost me somewhere between thirteen and fifteen to take it to the Trail so we don't have an easement through our properties. It just makes a lot more sense in the long run.

Council member Vidor asked if we could do that without losing the evergreens.

Chris said no, that is part of the issue of why we were shying away from that originally because basically what you would be doing is coming all the way up Benmar to Shawnee Trail and then

going all the way across the Boat Shops property so he will be giving up a twenty foot easement all the across the frontage of his property along Shawnee Trail to get tied into that point. Chris said you could potentially look into having to relocate utilities, water or gas so I don't know if you have looked into that yet. Larry's Engineer said they have not gotten that far yet. Larry said we already have the one way ready to go just give us a week to find out if there is not a better way to do it and if not we go back to this. We've done all that work already we can do that much more in another week.

Council member Vidor asked when does Mike want to start. Chris said the end of next week. Council member Vidor said so we would have to have him reschedule if he can reschedule to do this.

Mayor Monahan said our original consideration is still possible. Chris said yes, we can do that now. We have all the legal rights to do that now.

Larry's engineer said he would like to OUPS the area to see if there are utilities in the way and if there are that might be a deal killer right out of the gate. Chris said there are utilities there.

Council member Mathews said I say we table the third reading tonight, give Larry a week, let him figure out the course and if we have to call a special meeting we schedule one.

Mayor Monahan said at this time we don't have enough information to proceed.

Police Chief Report

Chief Baron said the sign is up at the Internet Transaction Zone. The sign is in the front of the Police Department. We are not going to intervene or vet the transaction. We are not going to check anything in our databases or anything. The transaction is still at risk or at your own will. The only thing we are giving is a safe spot in front of the Police Department. We prefer 8:00 am to 8:00 pm as that is generally when someone is in or around the building. It is recorded 24/7 so everyone understands it.

Council member Gauldin asked if we were liable to keep those recordings for some length of time. Chief Baron said per our retention schedule.

Chief Baron said we applied for a \$77,000.00 grant through the Safety Capital Grant through the State. This is to do renovations to the Police Department and some beautification to the outside which will hopefully include an outdoor bathroom for the playground. We should know in June. If we don't get it this time we will reapply in the fall.

He said that the body camera project was approved at the last meeting and we have the cameras and some other things on order and we should be at one hundred percent in late April.

Last month we had some crisis situation training. We had Helpline from Delaware/Morrow County come out and do the training. Part of the training was mental health training, not only for the officers dealing with the mental health crisis situation but also to provide the officers or

anyone with the resources for themselves. We had a great five hour meeting on that and it worked out pretty well.

There were changes in the policy and the officers were tested on that and everyone passed.

We are part of the Delaware County EMA Disaster Plan and they review that every year and make changes. All of our officers have different levels of training regarding incident command and disaster planning. Command Staff has the more intensive classes. The Fire Service has gotten involved with FEMA and the unified command and incident command structure and the Police role is just now coming into that so Delaware County has done a lot of training and I will be attending training next week and Officer Cullen will be attending in April.

Chief Baron said he blew up the map for the traffic construction over in Powell so everyone will be aware of what will be happening the rest of the year.

He said he worked with Mark in regards for signage for the Police Department and Finance looked at it tonight and so did Planning and Zoning.

Memorial Tournament planning starts next week.

Corey Black who is one of our existing officers has been chosen to be our part time officer for the village and there is legislation on the agenda for tonight. We will be meeting with a full time candidate next week and I am hoping April 11th we will have him hired so he can start on the 12th.

He is asking everyone to call the radio room to contact the police department. The number is 740-833-2800. He said if anyone sees something suspicious or something is not right in the neighborhood call the radio room; do not post it on social media. We can't guarantee that we will see the social media postings in a timely manner.

Communications

Mayor Monahan gave the following report:

DELAWARE, Ohio — The Delaware County Board of Commissioners have announced the hiring of Ferzan M. Ahmed as Delaware's County Administrator. Ahmed comes to Delaware County from the Ohio Department of Transportation, where he most recently has served as deputy director of ODOT's District 6. He will assume his post with the county April 11.

Do we have a timeline on getting our paving project developed and moving forward? Council member Gauldin said we will address it at our next meeting on April 11th and get it to Council that night.

Spring greetings from MORPC!

We are delighted to announce our annual dinner for our Village Members.

Tuesday April 19, 2016 5:30-7:30 p.m. at MORPC. Cost \$25 to attend.

Council Members, Mayors, Administrators, Fiscal Officers, and other Village Officials are invited to attend.

Our plans for this event are to have a section where Village guests will rotate to one of four tables.

You will spend 15 minutes at that table covering that topic area with a MORPC Team member with the discussion focused on your community.

We will also provide each community with a current map from our Data department and an update on grants and funding sources for Villages.

You have the option of bringing your strategic plan documents with you to use during these discussions.

ROTATION TABLES:

Data & Mapping

Energy & Housing

Parks, Trails & Sidewalks

Infrastructure

The mtg. Dan and I had scheduled with MORPC concerning the linking of the Dublin and Delaware County bike trails was cancelled and we are looking for a good time in April to meet. We will need Dublin also to be involved.

DKMM is happy to make the following disposal options available to Delaware, Knox, Marion and Morrow county residents. Please visit our website <http://www.dkmm.org> for detailed information on these programs or call the number listed after each event posting.

SPECIAL COLLECTION EVENTS

- No business waste will be accepted
- Residents in Delaware, Knox, Marion and Morrow counties only
- Fees may apply

- Please visit <http://www.dkmm.org/special-collection-events> for program details

April 30th, 9:00 am - 1:00 pm, **Hazardous Waste and Paint ONLY**, Morrow County Fairgrounds, 195 South Main Street, Mount Gilead, Ohio 43338.
Call 419-947-1545 for more information. Fees may apply.

May 14th, 9:00 am - 1:00 pm, **Electronics and Tires ONLY**, Marion County Fairgrounds, 220 East Fairgrounds Street, Marion, Ohio 43302.
Call 740-223-4120 for more information. Fees may apply.

September 24th, 9:00 am - 1:00 pm, **Electronics and Tires ONLY**, Knox County Fairgrounds, 125 Fairgrounds Road, Mount Vernon, Ohio 43050.
Call 740-393-6704 for more information. Fees may apply.

October 1st, 9:00 am - 1:00 pm, **Hazardous Waste and Paint ONLY**, Delaware County Fairgrounds, 935 US Rte. 23 North, Delaware, Ohio 43015.
Call 740-368-1700 for more information. Fees may apply.

Mayor's Report

Mayor Monahan gave the following report:

At our 3-14 Council meeting, Bella stated had another approach been taken we wouldn't have been dealing with the drainage issue on Addlick. I went back to get clarification from our Village Engineer Chris Tebbe. I also asked him for an explanation of a process that Mrs. Awad referred to:

The issues with the flooding of Glick Road have nothing to do with the runoff from construction sites. The blockade of the natural drainage pattern and the subsequent flooding of Glick Road is due to the actions of Larry Burchfield.

1) Prior to Larry developing the property there was a swale across the center of the site that ran roughly along the alignment of Addlick Drive.

2) When Larry built the buildings along Glick Road, he extended the storm sewers from the right-of-way of Glick Road, under his buildings, north to the ditch.

3) When Larry decided to expand further he installed (on his own) a 15" pipe in the ditch, blind tapped the drainage lines under his building from Glick Road into it and covered it with dirt and greenhouses.

4) Approximately 10-15 years ago (not the 3 years that Larry stated last night), Larry buried the upstream end of the 15" pipe, which forced all of the water from Osage, Morgan House, etc... into Glick Road.

5) Two weeks ago, Larry uncovered the upstream end of the pipe that he had deliberately buried. There is now some flow going through the pipe. This pipe is likely damaged and collapsed and would cost about \$2,000 just to clean and televise.

All of the above points are very easy to prove in a court of law.

Hopefully, this information helps clarify the statements from last night.

Explanation:

My company does work on several hundred DESC permits each year and it is a cumbersome process with the following stated goal:

The Delaware County Engineer's Office administers the County's Drainage, Erosion and Sediment Control (DESC) Program. This program is designed to limit erosion and stormwater runoff from construction sites and keep Delaware County in compliance with the National Pollution Discharge Elimination System (NPDES) Phase II regulations.

1) The process involves the payment of a fee (\$150) to the County and the creation of a separate plot plan specifically for the grading of the site and erosion control.

2) Once the footer is placed, the grading of the footer has to be surveyed and certified by a professional surveyor.

3) Then prior to the placement of sod, the site has to be surveyed and certified again.

4) If at any point during the process any of the grades are different than the plan grades the County has a separate form and fee for any changes.

The DESC process adds about \$1,000 to the cost of building a house. The DESC process does not look at the neighboring properties, overall drainage patterns or the long-term development plans of the area.

I expect this clears up the fact that having a DESC process in place would have had nothing to do with the 2 years that we have been dealing with Cedarbrook issues that they are finally taking the necessary steps as they were told 2 years ago and hopefully will be rectified tonight.

Our Drainage project on Addlick Drive is scheduled to begin April 1st. Cedarbrook's attorney has been notified and they were scheduled along with the Village representatives walked the project 3-14. This will be a win-win and eliminate the main contributing factor causing the Glick Rd. flooding allow us to pave Glick Rd.

Have we received the assurance that Cedarbrook will perform their work in April since I have asked for that numerous times?

I took a vacation day last Friday and Jack Frambes and I worked on the National Mayor's Meals on Wheels volunteer effort through Delaware County.

This was the 8th out of 9 years I have volunteered during that effort and I totally admire what Meals on Wheels do. It is easy to realize that the Meals on Wheels volunteers are the only people and conversation many of the shut in recipients have all day.

While at last Friday's program in Delaware County I spoke with all 3 Delaware County Commissioners. I asked Commissioner Gary Merrill who has consistently been a good friend to the Village for assistance drawing new businesses to the Village. The Commissioner asked that I contact Bob Lamb = the Delaware County Economic Development Director and they can meet for lunch and discuss possibilities. I am arranging a mtg. with them, Council President Mathews and me to see what they can do to help us.

On Feb 29th VORYS legal Counsel for CV development filed an application to build a single house on 2 lots at the NW corner of Westview and Beech. We have denied the application. In their package of materials, they stated they believe they have the right to develop and build 57 homes on the land at the end of Westview.

On last Thursday 3-24 VORYS legal filed an appeal to our Board of Zoning Appeals on our decision to deny their right to build on 2 lots. The BZA hearing is schedules for April 12th.

From Mark K on 3-26:

Very interesting article in the dispatch today

He won in fed court in Powell about high density housing

Code Enforcement Officer
Village of Shawnee Hills, Ohio

We are working to get this back to a discussion that produces a reasonable outcome. I have asked Brian to contact Joe Miller the attorney for CV and ask that they come to our Planning and Zoning mtg. on April 26th and present a better proposal and try to get this back to a Planned Unit Development.

I contacted Bill Trembly the owner or the shopping center and told him while attending The Delaware County Health District meeting on 3-15 I met George Wisener, the former manager of Buehler's Grocery in Delaware that has been closed. Bill was very interested in talking with Mr.

Wisener. Was able to get them in contact and they are going to meet this week. My hope is this helps move along the high end market effort Mr. Trembly has been working on.

Once again the Easter Egg hunt at the Civic last Saturday was a great function for the kids. Kuddos to the Civic!

Pro Tem Report

Pro Tem Mathews said we can move into the committee reports. In Planning and Zoning, Russ presented a sign for the Police Department. The Chamber presented a direction sign for business north of Glick road. Unfortunately the same design was not available that they previously had so this will be a new design. The Mayor discussed where we stand with CV Real property.

Council member Gil said so Brian is going to approach CV Property again and how many times have they been approached? Brian have you approached them before? Brian said no.

Mayor Monahan said we have and when you walked in that time that was what we were trying to do get them back to the table. I have asked Brain and also Dan to try to reach out to the realtor to try to get them back. Took half a day off Friday a week ago and went and sat down with them and said folks we want to get back to something reasonable. We are going to formally request through Brian to Joe Miller, their attorney, that they come and talk to us.

Council member Gil asked why are we doing that. Mayor Monahan asked how would you do it. Council member Gil said I will wait for them to come to us. Mayor Monahan said they have come to us. On February 29th they came to us filing for something. We denied it and they have come back to us with an appeal, on their appeal, which will be heard by the BZA on the 12th if they have the right to build on the property or not. If they have the right to build on that I suspect you are going to see a lot of things moving forward with that. We are trying to get back down to where we can work through a PUD. Council member Gil said I understand that but we are trying to approach him one more time and it is odd to me that we are actually telling him to come back to us. Mayor Monahan said if you want to wait and see then effectively it depends on what comes out of that BZA meeting on the 12th. If on the 12th BZA says you're right you can build, they have drawn out fifty seven homes back in there. What we are trying to do is get down to a reasonable discussion.

Committee Reports

Council member Gauldin said that Finance met and we spoke about a number of things. In the end we spoke a little bit about a proposal for a pavilion in our park near our playground equipment. We think that will really build the park up and continue on the path of making it something very nice The playground equipment gives the younger kids something to do. We feel the pavilion will start a path for giving other people things to do. We would like to see some electric out there as well as something a little bit bigger than what was brought to us to start. So what we did was we moved forward and approved the appropriation for up to \$25,000.00 for the pavilion, the pad, what it takes to put the pavilion in, electricity, tables, benches and investigation for a separate WiFi for that small area and a couple of other items including some benches. The next thing we talked about was the new auditing routine that was asked of us from the State. Part of that routine was to ask the auditor to come forward and review their findings so far.

These findings right now are pending so what we have done is to better understand it ourselves is to ask that the auditor come and explain it to us.

We went forward with a motion for approval of the new Police directional sign as long as it falls within our TIF area which we believe it does. We think that will be a good start for other signage in the future to match that.

We reviewed the current Police Chief's salary which is much lower than our old Police Chief's salary and we moved to increase Russ Baron's salary to that of the previous Chief based on his total tenure here and his current work.

We also discussed our new Administrator's salary. We ask that Steve be given a six month probationary period at his current rate and at the end of the six months probationary period giving a good performance one dollar an hour could be added to that rate and that was approved as well.

Legislative Actions

It was moved by Mathews, seconded by Gauldin to table Ordinance 03-2016. Following vote on the motion is recorded; yea, 4; Gauldin, Gil, Mathews and McVan. Nay, none. Chair declared the motion passed by a 4-0 vote.

Third Reading- Ordinance 04-2016 – An Ordinance creating Section 331.44 of the Codified Ordinances of the Village of Shawnee Hills (Operation of Golf Cart)

It was moved by Gauldin, seconded by Mathews to adopt Ordinance 04-2016. Following vote on the motion is recorded; yea, 4; Gauldin, Gil, Mathews and McVan. Nay, none. Chair declared Ordinance adopted by a 4-0 vote.

Second Reading- Ordinance 06-2016 – 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.

Mayor Monahan said the owners are here tonight and they have worked with us very well.

We've always asked that they look at where they point the stages and sound equipment. I think they have been very good to work with.

Council member Gauldin asked if it will be pretty much how it has been the last couple of years. Tessa said yes, the bands are the same for the tournament and in that application we have added the Rozanski fundraiser also.

First Reading- Ordinance 08-2016- An Ordinance confirming the Mayor's Appointment of Corey Black as a part-time Police Officer for the Village of Shawnee Hills and declaring an emergency.

First Reading- Resolution 04-2016- A Resolution proclaiming the month of September as National Prostate Cancer Awareness Month

It was moved by Vidor, seconded by Gauldin to amend this Ordinance to say September 2016. Following vote on the motion is recorded: yea, 4; Gauldin, Gil, Mathews and Vidor. Nay, none. Chair declared the motion passed by a 4-0 vote.

Bills

It was moved by Gauldin, seconded by Mathews to approve the bills in the amount of \$20,729.79. Following vote on the motion is recorded: yea, 4; Gauldin, Gil, Mathews and Vidor. Nay, none. Chair declared the motion passed by a 4-0 vote.

Treasurer’s Report

General	292,538.22	Fire	149,912.28
Street	216,890.11	Weed	5,262.47
State Highway	11,735.37	TIF	23,834.14
Parks and Recreation	900.00	TIF 2	9,305.76
PD Body Armor	884.63	Veteran’s Mem.	98.97
Cont. Prof. Training	2,610.00	Sewer Oper.	50,110.02
Drug Law Enf.	200.00	Sewer Repl.	166,000.00
Indigent Drivers	385.84	Storm Sewer	2,195.42
Enfct. and Education	2,010.00	Debt Service	82,021.13
Court Computer	5,025.53	Debt Reserve	100,522.03

Total \$1,122,441.92

It was moved by Gauldin, seconded by Mathews to approve the treasurer’s report. Following vote on the motion is recorded: yea, 4; Gauldin, Gil, Mathews, and Vidor. Nay, none. Chair declared the motion passed by a 4-0 vote.

Executive Session

It was moved by Mathews, seconded by Gauldin to move into executive session to discuss imminent litigation and invite Solicitor Brian Zets. Following vote on the motion is recorded: yea, 4; Gauldin, Gil, Mathews, and Vidor. Nay, none. Chair declared the motion passed by a 4-0 vote.

It was moved by Mathews, seconded by Gauldin to return to the normal meeting. Following vote on the motion is recorded: yea, 4; Gauldin, Gil, Mathews, and Vidor. Nay, none. Chair declared the motion passed by a 4-0 vote.

Miscellaneous Business

Mayor Monahan invited Mary Ann Wood up. He said what most people don’t know about Mary Ann is the additional work she does taking the mail into the older folks and different things like that and I deeply admire and want to thank her.

Mayor Monahan presented Mary Ann with a Certificate that read: I proclaim that March 31, 2016 is Mary Ann Wood Day in the Village of Shawnee Hills for her fifteen years of dedicated service to the residents of the Village always making sure the mail was delivered.

Signed by Pat Monahan, Mayor

Shirley said years ago Council voted that she would be the representative for Council to attend three hours of Public Records Training for them once during their term in office. She said that she could not find that in the minutes when the auditors asked for it so she is asking that they vote this in again or if they want they can attend the training once during their term.

It was moved by Mathews, seconded by Gauldin that Shirley represent Council at the Public Records Training. Following vote on the motion is recorded: yea, 4; Gauldin, Gil, Mathews and Vidor. Nay, none. Chair declared the motion passed by a 4-0 vote.

Adjournment

There being no further business, it was moved by Gauldin, seconded by Gil to adjourn until April 11, 2016. Following vote on the motion is recorded: yea, 4; Gauldin, Gil, Mathews and Vidor. Nay, none. Chair declared the meeting adjourned at 8:25 p.m.