

Village of Shawnee Hills Council Meeting Minutes

February 22, 2016

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

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

Also Present: Fiscal Officer Shirley Roskoski and Engineer Chris Tebbe

Absent: Administrator Ed Swanson and Solicitor Brian Zets

Note that Council member Dalvi had to step out for a few minutes.

Minutes

It was moved by McVan, seconded by Mathews to approve the minutes from February 8, 2016 with the following amendment. Add the date of 2/5/15 after the Businessmen's Advisory meeting on page two. Following vote on the motion is recorded: yea, 5: Gauldin, Gil, Mathews, McVan and Vidor. Nay, none. Chair declared the motion passed by a 5-0 vote.

Agenda

It was moved by McVan, seconded by Mathews to approve the agenda with the following amendment: Steve DeBolt will speak in the place of the Solicitor. Following vote on the motion is recorded: yea, 5; Gauldin, Gil, Mathews, McVan and Vidor. Nay, none. Chair declared the motion passed by a 5-0 vote.

Steve DeBolt

Steve DeBolt introduced himself. He said I have been talking to the Council and the Mayor about being the next Administrator for the Village. I appreciate the opportunity. A brief background on myself. I am a Buckeye by native as I am from northeast Ohio. I went to Kent State University and studied to be a teacher and did that for a number of years. I coached golf and basketball as well. Had an interest in government and went to the University of Toledo to get my Masters in Public Administration and was in Toledo for about ten years and was involved in education up there as well. Steve said I moved to Columbus and worked at the Ohio Department of Commerce and worked in the Division of Industrial Compliance which is basically the State's Building Department. I lived in Reynoldsburg at the time and ended up taking a position as the Safety/Service Director in Reynoldsburg and that led into a position out of state so I moved to North Carolina for a while and had two Village Manager positions while down there. I moved back here to keep my retirement through OPERS and took an interim Village Administrator's job and moved back to Columbus. I was looking for an opportunity in this area and Shawnee Hills by all accounts is a good quality community and I am looking forward to serving the Council and the residents and getting to know everyone. If you have a community of 700 people you can pretty much get to know everybody so I am looking forward to it.

Mayor Monahan said we have Ordinance 02-2016 tonight and we show it as an emergency and I would like to see it go to a second reading if possible. Any questions for Steve? Council member Gil asked if he had a chance to drive around the Village. Steve said he has, tonight and when he was here for his interview. He said it is similar to a community that he worked for in the past: mainly residential with waterways and a nice quiet residential community.

Resident Bella Awad said I noticed that you applied for full time positions in Pataskala and Delaware and asked if this part time position was appealing to him. Steve said yes because he works part time right now and this looks like he can do both jobs and he has health care coverage through his other position. Bella said so if you were to get full time anywhere else that would be okay.

Council member Dalvi said we are an at will employer and State. There is a contract but like any other stuff we don't chain people to a job. This is true with anyone else.

Village Engineer

Chris Tebbe presented the drainage plan to relieve the flooding on Glick Road. He said I have been looking at this for over a year now. We have come up with a plan to use the Addlick Drive right of way. This is a minimal plan to catch the drainage and take it down to Shawnee Trail then out to the river. This will start at a location behind Walgreen's and go through Addlick Drive and end up at the storm drain that runs under Shawnee Trail. He said there used to be a swale on the Cedarbrook property but over time that has been built up and it has caused the water to drain directly onto Glick Road.

Chris said this drainage area picks up about ten acres of property including the area of E. Osage, the Morgan House and half of the condo subdivision in Muirfield.

He said this will be an open ditch system with a four foot bottom and three to one sides. It equates out to three hundred cubic yards of cut, or about thirty truckloads of soil to be taken out. He walked the site with Ed and the contractor today and there is a bunch of stuff that needs to be removed. There is landscaping stuff, there's stuff that Larry is going to want to remove. We do not want to pay to remove it and he does not want to lose it I'm sure.

Chris said we need to get this drainage down soon because we are scheduled to pave Glick Road this year and he does not want to put new pavement down and then have it flood.

Chris said his estimated cost is fifteen thousand if everything is cleaned up. Twenty thousand if we have to pay a contractor to clean up some of the trees and other stuff. The greenhouses also have to be moved and then Larry can put them back up. This project is going to start April first.

Police Chief Report

Chief Baron said he took the body camera project to Finance today and there will be legislation for reappropriation for council to vote on at the next meeting. He said if that does happen they will have the cameras in the car before the Memorial Tournament. He said in regards to staffing. I want to thank everyone who participated in the oral boards. We interviewed a bunch of people over four days and we have four candidates for full time and three for part time and two are in the process for auxiliary. The two that are in the process for auxiliary, one is a recruit for evidence room technician and is a Detective. The Officer is coming to us with over thirty years' experience, retired from Minerva Park Police Department and the State Chiropractic Board. The other one is a training supervisor position that is going to help us with all the new training

mandates and move us forward. We are finishing up the background phase now and that will be done in the next couple of weeks. They will then go on to the polygraph and the psychological exam. We are looking to have at least the full timer by the end of March.

Chief Baron said he worked with the Chamber. I was visited by Carol last week regarding some flags that they want to add to the crosswalk to enhance safety and visibility. This will go to the Safety Committee.

He said he continued to work with the Block Watch to get that up and running. Sergeant Amick has inherited that. I think this is a really good program.

We will have another town hall meeting on February 25th from 6:30 to 8:30 here. It will be more or less bring your questions, we will bring our answers.

Training is coming up. There is mandated eleven hours of training for 2016. Two of those hours can only be done at OPOTA. We will be utilizing the JVS in Delaware County for training also. Range training is going well.

He said since he is on light duty for the next two months due to a fractured tibia plateau he is working on some policy and procedure and verification through the Ohio Collaborative Law Enforcement Agency Certification. It is a lengthy process. There are about fifteen bullet points that require ten to twelve different documents as exhibits. It is very specific on how it is laid out so that's been talking a lot of his attention.

Visitors

Carol Kender said that as some of you know, especially if you are on Council, I have been trying real hard to attend all the council meetings and I have been trying real hard to attend all the committee meetings because I really want to understand what is going on in this village. During this adventure I have come to some committee meetings and things have popped out at me that I think I should mention. We have some really professional people working on our committees but I am confused because in one or two cases we have people that are on the committees that have no connection with council at all and I don't see any interaction between those two groups and I just wonder why there is no interaction.

Mayor Monahan asked committees such as?

Carol said committees such as Architectural Review Board. There is nobody on that board that is on council and nobody on that board ever comes to council meetings.

Mayor Monahan said those are Boards, not committees so there is a difference. Committees are based on council members. Members are appointed to the Boards and in the case of BZA because the BZA is actually a court in the State of Ohio we made a move to have a council representative on that. On planning and zoning there is always a council representative. The only one that does not is the ABR and ABR has to do with the appearance and other things associated with that. There is no requirement, doesn't mean we couldn't.

What you do get through interaction is Code Enforcement. There is a staff report that is generated and he works with the boards on that. Mark makes sure the boards have a complete package to look at for their meetings.

Carol said it seems like there's a disconnect between some of those committees.

Council member Dalvi asked if she was planning to attend the ABR meeting again. Carol said yes. Council member Dalvi said then maybe you should tell them to start attending the council meetings. That you attend them and they are good.

Council member Gil said he was on that committee for a year and he asked how long are people on those committees? Mayor Monahan said Planning and Zoning is six years and ABR and BZA

is three years. Council member Gil said when those position open up are they open to the public. Mayor Monahan said I always use this line. If you look outside, the long list of volunteers isn't really out there waiting.

Council member Dalvi said I think the thing is, it's a reach out, it's a community thing, if they want to attend. It's like anyone else, you can't force them to attend.

Council member Gil said I remember coming to the meetings and no one was there. We need a sign or something that says we have a meeting tonight. You go to the City of Dublin and you see a sign that says we have a meeting tonight and I remember Bella mentioned that not too long ago.

Mayor Monahan said our meetings are all posted. A prior suggestion was made and we went out and found an Eagle Scout project that wanted to work on our website. It is time to move past that and I will ask UST to look at whether we go and get somebody to work on that. We are not getting the response from the Eagle Scout that I wanted. As far as putting signs out we are posted at five places in the village.

Council member Dalvi said lets go to the Dublin discussion. If I put a board out there do you think that will attract people to the meeting? Council member Gil said he always sees the sign in Dublin and Westerville does the same.

Council member Dalvi said everyone knows that the meetings are the second and fourth Mondays. The idea of putting a board out there saying there is a council meeting going on today is just like saying the real estate person is on staff. It's probably not the way we want to project. Dublin does not put stuff on every street, they probably put it at their building and only a small percentage of their residents drive by it. We have to be very realistic in what we are asking. The intent is for people to come and we have done a tremendous amount of outreach. There is the website and there is the newsletter. We are a village of 770 people.

Mayor Monahan said I wouldn't have a problem trying the sign to see if it had an impact. I will tell you that up until this past fall, Warren was here. He said it has been very disappointing that this Eagle Scout project is taking so long.

Council member Dalvi said we could spend a lot of money, between ten and fifteen thousand dollars and build an awesome website and have an administrator. If that is what is required we just use our tax money to do that.

Council member Gil said I do not understand.

Council member Dalvi said if you want to be like Dublin, Dublin spends a lot of money. They have a professional website. They have a site administrator; they do all of that stuff. We don't have that here so if you want to do that we can do that.

Council member Gauldin said point of order please. I think it is a very good discussion but I think maybe given the length of discussion it requires a more focused meeting time for that to happen. We have a visitor here that is speaking and I would like to get the rest of what the visitor has to say tonight so if I could call on the Mayor to suggest our next move from this point.

Council member Gil said I want to add something if I may. I was looking at the 2006 minutes on the website and when you try to look at them they are not there. I called Shirley and she said she would look into it and I don't know if she has yet.

Mayor Monahan said I will ask UST to look at what enhancements are needed for the website.

Mayor Monahan said to Carol, in the code there are three boards: Planning and Zoning, Architectural Board of Review and Board of Zoning Appeals. BZA and Planning and Zoning have council representatives on them, the only one that does not is ABR. With the ABR we did not feel it was necessary to have a council rep as they get a staff report and they are looking at colors and samples and architectural stuff like that. Doesn't mean it could be proposed.

Carol said her next question is she went to the BZA meeting last Tuesday and there were two issues presented. One she will not address but the other one was a variance for property that is six lots, three houses built on six lots and I have been assured by everybody that it is within code. The variance was for a setback on the property so that patios could be built on the three houses. I was assured that this follows code. Although the builder is well known and he puts a quality product in the village and a number of people here that I know live in his houses but when I looked at the footprint of those houses visions of Levittown and 283 housing just popped into my mind because they were almost identical footprints and the houses are forty feet apart. The problem that it brings up is that I was told that forty feet was a good distance, that it was legal distance and that there were a lot of houses in the village that were forty feet apart. I spent a lot of time driving around looking at these houses. Most of these houses are not exact footprints of each other. They are of different design, different styles, some of them are on the Trail and what they all have in common is they have more property around them in the front and the back than these three houses.

Mayor Monahan said not true on the Trail. There isn't forty feet between the houses.

Carol said you have to admit they are not duplicate houses.

Mayor Monahan said I am not disagreeing with that.

Carol said I know it is in the code, I've read the code, the code is written that if you had one lot you could build a house on it. I think we need to look at these codes and the question is do we want Levittown or do we want Shawnee Hills.

Council member Vidor said if I may answer that. I am on the BZA and there's a problem with readdressing that. What if you own two lots that you purchased with the intention of building on them ten years ago? Can we deprive you, as the owner, of the ability to use your land for what you purchased it for? How can we now go back and change the rules and tell somebody you bought that to build on it but you can't build on it.

Shirley said those codes were written because of Supreme Court rulings. We worked with Phil Laurien from Delaware County Regional Planning who helped us write those codes because when we put the sewers in and all these one, two, three, four lots, we had to say they had to be allowed to build once the sewers came in. They could not be built on before because they did not have enough room for a septic system. Cases like that went to the Supreme Court so we have to allow them to build or we would be in court. They would be fighting to build and we would just be spending money.

Resident Judy Stephenson said she was on council when that went through. It was her understanding when we passed that that if one individual bought, say they had two lots and they bought two more, they now have a four lot parcel. If it all went into the name of one individual then that became a building lot.

Shirley said September 1, 2000 was the cutoff date. If someone owned two lots then and they didn't buy anymore lots and those six lots, two, two and two were three different owners and they have been three different owners. It's the ownership of September 1, 2000.

Judy said but if one person bought those six lots it would be one building lot.

Shirley said right, numerous people have done that. We have had realtors working to get more lots together because most people want more than two lots to build on and that's fine but if they didn't do that or they can't buy any more lots and they just have two we have to let them build. Judy said if those six lots are now in single ownership then that becomes one lot, you are not depriving them of using their land.

Shirley said the property in question is not in single ownership. Carol is talking about the six lots behind the municipal building and there are three separate owners.

Mayor Monahan said if you have a proposal you can bring it to planning and zoning and we will consider it and you could also say if the proposal was can you build duplicate houses. That could be done very well. Under our current code and operation everything that was done is legal.

Carol said I understand that. I am not arguing that. I am just saying as we move forward can we change the code so that homes do not have the same footprint.

Bella said what about not being able to speak at those meetings.

Mayor Monahan said unless you are a contiguous property owner, that is a Court in the State of Ohio, the BZA, and you are not allowed to speak.

Carol said it seems to her that it goes to the quality of life in the village if somebody else doesn't like the way that looks, you are not allowed to say it. Mayor Monahan said that goes to the Ohio Revised Code. It is not something we made the rules on.

Council member Dalvi said you could challenge that. You could file a case against the State of Ohio if you wanted to.

Carol said the Ohio Revised Code also says that the Village Administrator and the Village Police Chief has to live in the Village but I am told that that has been exempted because there was a resolution passed so why can't there be a resolution passed to allow people to talk at the BZA.

Shirley said that Brian will be able to answer that at the next council meeting but Ohio Revised Code has that exemption in it for the Chief and Administrator.

Communications

Mayor Monahan gave the following report:

Was asked about the paving on the bridge, which isn't ours. What we own goes up to the rock. The City of Columbus does the paving across the bridge. I contacted Rick Westerfield and one of his folks contacted me back. They are monitoring the bridge deck and have a project to redo the paving totally in 2017. They committed to patch as needed but will do a complete patch for the tournament.

I did check with John Peele about the Aspen Energy Building. They are under contract and will close on the building to an investment buyer in the next forty days.

Emailed Bill Trembly and asked for an update on the potential shopping center businesses and he is working on that. He is still meeting with the prospective people but it is moving slowly.

I heard from Steve Smith today and he did renew his lease at his current building and Hair Loft is moving out.

I talked with Jeff at the Bogey and reminded him to get his variance together for the noise variance.

I asked about his proposal at the corner of Glick Road and Shawnee Trail and he believed they will file to have the lots changed to commercial instead of going through a PUD for that small area. He is very interested in continuing all the way up and he said he will probably be speaking with Larry Burchfield and Bill Daulton about making that a whole development.

Mayor's Report

Mayor Monahan gave the following report:

Mayors Court Report for January 2016

Receipts

\$1,270.00 Total receipts

Disbursements

\$337.50 Treasurer, State of Ohio

\$13.50 HB 562 IDAT Fund

829.00 General Fund

\$90.00 Computer Fund

Erik Spaulding

Mayor's Court Clerk

I asked Ed to take a look at the drainage on the west side of the road at Logan in Concord Township to route on the west side to the pipe in the road that we replaced a few years ago then bring it across to the east side of 745. Ed said it wasn't feasible because of the topography there. It would be very deep and Concord was not willing to do that. We would require three new catch basins, a large concrete pipe at a cost of thirty to forty thousand dollars. Ed stated that when the house was built in in 1901 it wasn't built with consideration for drainage so he recommends that we do not perform the drainage work on that.

I will ask UST to take a look at the possibility of working with the Village Engineer and Jim Danes to talk about grant monies to move forward with some of our drainage issues and take all those into consideration.

We were informed by Delaware County that the initial arraignment for Sean LeFever was held and he pled not guilty. The final pre-trial in the case is set for April 11, 2016 and the jury trial is set for May 3, 2016. The Prosecutor assigned to this case is Kyle Rohrer.

I have the RITA Top 25 report and I ask Shirley to contact RITA and request an audit of the businesses. Since a number do not utilize Shawnee Hills in their address as we have asked their money could be going to Powell.

Pro Tem Report

Pro Tem Mathews said there will not be a P & Z meeting tomorrow night. I have touched base a couple of times with the realtor for the developer and he has not heard back from the developer on any sort of plans or anything.

Committee Reports

Council member Gauldin said that Finance met today and he was elected Chair and Josh Vidor was elected Co-Chair. He said they listened to what was going on in the village financially and there were three items that came up that we discussed specifically. The first was the health insurance updates and rate changes and the addition of employees and we approved a recommendation of an additional ten thousand dollars so Shirley can balance that cost. The second item was the cost of the drainage project that was discussed tonight and we moved forward with the recommendation and approval of up to twenty thousand dollars for drainage work to relieve the flooding on Glick Road by reworking the current drainage area near Glick and lastly we spoke with and heard from our current Chief and we spoke about the body cameras that we have heard about again and again. This has been through Safety and I believe Safety recommended approval of this last year and it has made its way to Finance. With the body cameras it was realized that there are other items that needed to happen and it was good timing actually that we have two other pieces of electronic hardware that needed to be replaced as well. So to support those body cameras, replace those two other pieces of electronics we are looking at thirty seven thousand dollars. This includes the cruiser cameras. So again that was recommended for reappropriations by Finance.

Legislative Actions

Third Reading- Resolution 02-2016- A Resolution authorizing the Administrator and the Fiscal Officer to enter into a contract with the Delaware Soil and Water Conservation District for certain public information and participation programs/services required under the Village Storm Water Management Plan. It was moved by Dalvi, seconded by Vidor to adopt Resolution 02-2016. Following vote on the motion is recorded: yea, 6; Dalvi, Gauldin, Gil, Mathews, McVan and Vidor. Nay, none. Chair declared the motion passed by a 6-0 vote.

First Reading- Ordinance 02-2016 – An Ordinance approving the Mayor’s Appointment of Steven A. DeBolt as Village Administrator, authorizing and directing the Mayor and Fiscal Officer to execute an agreement with Steven A. DeBolt and declaring an emergency

First Reading- Ordinance 03-2016- An Ordinance amending Section II of Ordinance 493-85 to allow horticultural greenhouses on Lots 848 and 849.

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

Bills

It was moved by Dalvi, seconded by Mathews to amend to bills to the amount of \$56,003.68. Following vote on the motion is recorded: yea, 6; Dalvi, Gauldin, Gil, Mathews, McVan and Vidor. Nay, none. Chair declared the motion passed by a 6-0 vote.

It was moved by Dalvi, seconded by Gauldin to pay the bills in the amount of \$56,003.68. Following vote on the motion is recorded: yea, 6; Dalvi, Gauldin, Gil, Mathews, McVan and Vidor. Nay, none. Chair declared the motion passed by a 6-0 vote.

Treasurer’s Report

It was moved by Dalvi, seconded by Mathews to approve the following treasurer's report:

General Fund 257,559.96	Fire Fund 78,739.10
Street Fund 175,287.85	TIF Fund 10,826.70
State Highway Fund 11,573.14	TIF 2 Fund 8,510.96
Parks/Recreation Fund 900.00	Veteran's Memorial 98.97
Continuing Prof Training 2,800.00	Sewer Operating 35,442.78
Drug Law Enforcement Fund 200.00	Sewer Replacement 166,000.00
Indigent Drivers Interlock Fund 385.84	Storm Sewer 502.82
Enforcement and Education 2,010.00	Debt Service 68,523.22
Mayor's Court Computer 4,985.53	Debt Reserve 100,485.72
Weed Fund 4,072.38	

Total 928,904.97

Following vote on the motion is recorded: yea, 6; Dalvi, Gauldin, Gil, Mathews, McVan and Vidor. Nay, none. Chair declared the motion passed by a 6-0 vote.

Adjournment

There being no further business, it was moved by Gauldin, seconded by McVan to adjourn until March 14, 2016. Following vote on the motion is recorded: yea, 6; Dalvi, Gauldin, Gil, Mathews, McVan and Vidor. Nay, none. Chair declared the meeting adjourned at 8:00 p.m.

Fiscal Officer

Mayor