

## Village of Shawnee Hills Council Meeting Minutes

March 3, 2014

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

Council in Attendance: Charlie Callender, Mahesh Dalvi, James Gauldin, Cameron Kemplin, Dan Mathews and Mike McVan.

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

It was moved by Callender, seconded by McVan to approve the minutes of February 10, 2014. Following vote on the motion is recorded: yea, 6; Callender, Dalvi, Gauldin, Kemplin, Mathews and McVan. Nay, none. Chair declared the motion passed by a 6-0 vote.

It was moved by Dalvi, seconded by Kemplin to approve the agenda with the following amendment: change the date from February 24 to March 3. Following vote on the motion is recorded: yea, 6; Callender, Dalvi, Gauldin, Kemplin, Mathews and McVan. Nay, none. Chair declared the motion passed by a 6-0 vote.

### **Solicitor**

Brian said that he has been working with Ed on some general zoning issues with respect to a few individuals in the Village and we are working our way through those issues. There will probably be things with the Planning Commission and the BZA.

He said he had a few general questions from the Police Department since our last meeting.

He said he wanted to let Council know that we received a decision on the Richard Dempsey matter. He filed an appeal that stemmed from the Armeni conditional use that was issued when he built that house. The Court dismissed the appeal claiming that Mr. Dempsey did not prove that he was directly affected by the decision that was made by the BZA. Brian said the court did note a few things about our zoning code, nothing that was wrong, but points that we are actually going to look at cleaning up, tighten the language up.

Brian said he handled an arraignment up in Delaware County and it worked out well. The person plead guilty, but that is not the importance of the thing. The person was given probation and he was put on community service so when I got back I started looking into the community service and I always think that if they are given community service they should do the community service where they commit the crimes. While we were on the list for juvenile offenders, we were not on the list for adult offenders. As of this week we are now on the list for adult community service providers. He said there is actually a wait list in Delaware County. Brian said his understanding is that if someone wants to do community service in Shawnee Hills; Ed will get a form or a call from the probation department. We will have the ability to accept them if we want, we will know what the crime is they were convicted of or plead guilty of, so that we will know if it is a good fit for the Village.

### **Administrator**

Ed said that he has been working with Brian on zoning issues. It is quite extensive. Council member Callender asked Ed for an update on the intersection. Ed said that the intersection is on schedule to start in July. Dublin has prepared letters to go to all the property owners that we need easements from and we are just waiting for the numbers to come from the company doing the appraisals of these properties.

Council member Dalvi asked when will we be informing our residents about the construction. Mayor Monahan said we will be sending out another newsletter when the time is right.

### **Visitor**

David Hatcher, 9511 Westview Drive introduced himself and said that he is interested in sitting on the Planning and Zoning Commission. He said he and his family moved into the Village in May of 2012. He is a lifelong central Ohio resident, Ohio State grad, spent time in the Ohio National Guard and was deployed over to Iraq in 2003-2004. His background is in sales and most recently in construction. He heads up a general contracting firm for a real estate company that owns and manages about 4,000 apartments in town. As he looks at the newsletters as they come out he finds a lot of parallels between what he does on a day to day basis with his apartment communities and what happens in the Village. Playground project, roadway overlays, things like that are what he deals with also.

### **Communications**

Mayor Monahan gave the following report:

I did receive the invite and intend to participate at the Delaware Council for Older Adults in the national Mayor's Meals on Wheels Day Mar 19th. This is a great event and it will be my 6th time in 7 years to participate. It lasts from about 9:30 in the AM to 1 PM and we get a chance to help deliver the meals. I would encourage anyone who would also like to participate to let me know and please come along.

Did receive the meeting notice that Sheila Huddleston mentioned when she came and spoke with us for the Delaware General Health District Advisory Council Annual meeting being held on Tuesday March 18th at 6:45 PM in Delaware. I plan to attend as did last year.

I received an email yesterday from the Jenkins:

Sent: Sunday, March 02, 2014 6:51 PM

To: Monahan Pat

Subject: BEFORE WE FORGET ....

Mr. Mayor

Janie and I want to thank you and your village staff and police department for their dedication and great job of keeping our village safe in all kinds of hours and in all kinds of weather during these past really bad winter months!!

It is very reassuring, especially for older folks, to hear Mark and Richard plowing and salting the village streets - many times during the wee hours of the night and on holidays and on weekends..

It is also very reassuring to see the village police cruisers making their rounds regardless of the weather or time of day and night.

On more than several occasions we have talked to friends who tell us that their streets haven't seen a snow plow for several days.

Thanks again to all of the Shawnee Hills Village staff.

Jim and Janie Jenkins

Some days being Mayor is not exactly fun when it comes to Code Enforcement and dealing with lawsuits, things like that. Sunday a week ago, I get this ring on my door bell and two of the cute little girls that live down the street came by to give him two pictures of cats that they colored in. This made for a good day.

### **Mayor's Report**

Mayor Monahan gave the following report:

From: Yvonne Clippinger [mailto:yclippin@columbus.rr.com]

Sent: Sunday, February 23, 2014 9:13 AM

To: Pat Monahan

Cc: kisern@att.net; Mark Katzenbach

Subject: resignation

Dear Mr. Mayor,

This letter is to inform you that I will be resigning from the Planning and Zoning Commission for the Village of Shawnee Hills effective immediately. Launia has accepted a position with the Mayo Clinic in Jacksonville, Florida and we will be moving out of the Village next month.

Thanks for giving me the opportunity to serve on the Planning and Zoning Committee over the past several years. My best to all of you in your future endeavors.

Sincerely,

Yvonne Clippinger

I sent Yvonne a response:

From: Pat Monahan [mailto:pmonahan@columbus.rr.com]

Sent: Sunday, February 23, 2014 2:01 PM

To: 'Yvonne Clippinger'

Cc: 'kisern@att.net'; 'Mark Katzenbach'; 'Shirley A Roskoski'

Subject: RE: resignation

Yvonne I am happy for you and Launia but sad to see you go. Yvonne a few words will be inadequate to thank you for the contributions you have made to the Village serving in the many capacities that you have served.

Your dedication and contributions have helped us move ahead to a place where we are and proud to be.

Thank you and wind at your back my friend!

Pat

Pat Monahan

Mayor Shawnee Hills, OH.

I would like to appoint Dave Hatcher to the Planning and Zoning board. I sent you his bio and I have asked Dave to come here tonight to introduce himself.

I want to thank Dave for his willingness to serve our Village.

Both Shirley and I have received the RITA top 25 report if anyone wants to discuss it please get with us to do so.

I have asked Shirley to go back to RITA to do an audit to make sure we are getting the business income taxes paid to the Village and not going to Powell or other Municipalities.

I will be attending The Dublin State of the City address on March 6th at Wendy's HQ if anyone else would like to go with me. I received a second invite from Dublin City Manager Marsha Grigsby with a very nice thanks for the work that has been done on the intersection.

"Mayor, Thank you for all of your help on the Dublin Road / Glick Road project. Hope to see you on March 6. Marsha"

Thanks to Ed and everyone who has done a great job working on the intersection.

I believe Council President Matthews will be talking about an event also to be held on Thursday the 6th that I intend to attend.

I have asked the Chief to investigate with Dublin and ODOT about covering officers for traffic control during the busy timeframes morning and evening on week days during the construction.

On Wed the 19th we completed the interview of 3 new Police cadet + officers. I offered them commissions and swore them in. I commend the Chief and Lt. for the candidates we see.

### **Pro Tem Report**

Pro Tem Mathews said that Thursday, March 6<sup>th</sup> at the Bogey we are going to have our first fundraising event for the playground. He had flyers to pass out and he said this is for all day. Fifteen percent of the bill will go towards the playground. El Vaquero will be on the 18<sup>th</sup>. We will get flyers made up for that.

### **Committee Reports**

Councilmember Gauldin said that rules committee met just before this meeting. The Rules Committee elected James Gauldin as the Chair and Charlie Callender as the Co-Chair. We reviewed the ordinance that is before Council tonight and this is the ordinance that will consolidate committees. We voted to recommend to sponsor and adopt Ordinance 03-2014 which amends 121.02(c)(1). This will combine the Utilities and Service Committee and add a Technology Committee (UST).

### **Safety**

Council member Kemplin said that Safety met and there was very little to report. It was really more of an orientation for him as to how the Village and Council can work with the police department. We talked a little bit about the signage in the community, the crosswalks and bus stop safety.

Mayor Monahan said he has asked the Chief to bring to safety the idea of having a portable solar powered unit that display the speed you are traveling . We have talked about this before and he would like the discussion to start up again.

## **Legislative Actions**

Third Reading- Ordinance 01-2014 – Sponsored by the Safety Committee – An Ordinance to amend Section 529.02 (Sales to and use by underage persons, securing public accommodations) of the Codified Ordinances of the Village of Shawnee Hills. It was moved by Dalvi, seconded by Gauldin to adopt Ordinance 01-2014. Following vote on the motion is recorded: yea, 6; Callender, Dalvi, Gauldin, Kemplin, Mathews and McVan. Nay, none. Chair declared Ordinance 01-2014 passed by a 6-0 vote.

Third Reading- Ordinance 02-2014- Sponsored by the Finance Committee – An Ordinance to reappropriate funds for current expenses and other expenditures of the Village of Shawnee Hills, Ohio for the year ending December 31, 2014.

Council member Callender said there are three appropriation funds on this ordinance which are the Municipal Building parking lot, the playground and the sidewalk. In his opinion these projects can wait until later on this year or maybe even next. Why he says this is he does not think the parking lot right now is that bad. He believes it can wait, maybe even be reviewed by the service committee to go along with our street evaluation for this year and that in itself would save us ten thousand dollars if we just held off on that. He said the playground, he was really happy to see on the website and what Dan brought up, the fundraising, that's the way he thought the playground was going to be funded, by the fundraising and special events which he sees is happening. He does not think this year that using thirty thousand dollars from our village general fund is a good idea. He is not totally against putting some money out for the playground but right now he does not think it is a good option. The eighty two thousand dollars for the sidewalk; he is not against the sidewalk, he would really like to see them completed for all the residents but he thinks with the intersection project going on this year, eighty two thousand dollars is a lot of money to take out of our general fund that is not necessary right now, in his opinion. He said he thinks we had this year some extra cost in snow removal and salt that we have to consider that is going to come out of our general fund. Another thing with this type of winter that we had and the spring rains this is possibly going to put some pressure on our storm sewers and we may need those funds for that. He said that he talked to Shirley a couple of weeks ago and she did mention to me that if we move forward on these three appropriations that our general fund would be the lowest it has been in the last five years. It would be around thirty five to forty thousand dollars. He does not think that is enough. Council member Callender said he is not against any of the items in the ordinance, he thinks they are all necessary so for this reason he would like to make a motion to amend Ordinance 02-2014 to remove the three appropriations for the municipal building parking lot, playground and the sidewalk. No second was given. Chair declared the motion failed for lack of a second.

Council member Gauldin said with that being said I would like to see if there are any other comments on this. I know that as part of Finance we try to do what we feel is best and we respect the opinions of the others on Council so if there are any other opinions we would like to hear it. Council member Dalvi said he would like to say a few things based on Finance Committee findings and what we recommended. Thanks for bringing this up, valid points. The reason we did sponsor the appropriations was based on doing a lot of analysis, as you may recall we held off on doing this last year for various reasons. We thought it was important that we become fiscally responsible and do it in a smart way. What we realized going into 2014, one was the fact that we were carrying a significant surplus into 2014 and second, it was becoming clear that the more we wait, the more the cost increased of the sidewalks. We waited for two years and the cost has gone

up significantly based on the bids that we did receive. We also said very clearly up front at our meeting in December that these were the only three capital funded projects that we would be doing this year, no more, because we were aware of the fact that there was a lot of spending done over the past year. We felt that this was something, based on the financial situation of the Village, the funds we have, knowing that the cost would go up if we wait, that is the right decision. Just want to make sure that you are aware that a lot of discussion, debates went on to come to that recommendation.

Council member Callender said a lot of times you can't see what the future holds and his concern is bringing our funds down to a level that we put ourselves in a bad situation.

Council member Dalvi said two things, we as the Council has a responsibility of making sure those funds aren't just kept in the bank, that's a non-usage of money and at the end of the day this has to be something used for the village and the residents and businesses and anything that comes with it. The intent was, are we making use of the right money at the right time in a smart way. The Finance Committee decided that this was the right thing to do and we also looked at the financial projections of where we would be going in 2014. Understanding that we will have some uptake in expenses for snow removal there is still enough buffer at this point to approve up to eighty two thousand, thirty thousand and remember those are up to appropriations, it doesn't mean that those are amounts that will be spent. There are some controls in there. For example the thirty thousand dollars that we allocated to the playground as a budgeted item will still be reviewed when it comes to the actual expense.

Council member McVan said with that being said why can't we break this apart and do one at a time. Like Charlie said I was kind of unaware of the playground thing too and I thought we were going to wait for the fundraising, give the fundraising some time.

Council member Dalvi said when you do budgeting you budget for a particular event. The spending is still a decision that can be decided on. He said he wanted Council to be aware that this was a financial budgeting decision to see that this is up to what you can plan for.

Council member McVan said I understand but like Charlie said we have the roads and we had a horrible winter, these things are going to start breaking apart with the thawing and the freezing.

Council member Dalvi said there was enough for the road fund. Council member McVan said we never have enough for the road fund. Council member Dalvi said based on the trends and the spends we have done that was accounted for. Remember that the money that is sitting there for the sidewalk has to be spent because it was part of the debt we borrowed, so we have to do that.

Council member McVan said so why can't we split this apart and do the sidewalk and stop for now, wait sixty days, ninety days before we come with the next project. Council member Dalvi said we are not doing all of them at the same time. Council member McVan said we are approving the money for all three. Council member Dalvi said you are saying just shift the appropriations. Council member McVan said yes, that is what I am saying. Council member Dalvi said that is a different discussion, a budgeting discussion. I wanted to make sure you understood the logic of where we were coming from is that we wanted to kind of give a financial allocation picture up front saying these are the three projects that we are going to be doing and this is what we budgeted for, that you can go and start working against. That doesn't mean at this point that it is fully approved to spend. You still have to go through the process of making sure that it makes sense.

Council member Callender said it can be removed from this ordinance and another ordinance generated for those funds.

Council member Dalvi said he thinks this is a budgeting decision, if Council wants to put more controls and checks in terms of the spend, you can do that, you can defer it, you can say it can be done in the second half of this year. He said we need to have this discipline at the beginning of the year that says what are the top three projects, what's the money and we say this is what we are going to do because what has happened before is we don't do that budgeting up front or capital project selection at the beginning of the year. We said if the financials show what it is and at the end of 2013 and the beginning of 2014 with the run rate, let's decide on three projects, let's budget them and then let's start planning towards them. The reason we did what we did with the sidewalks is so that we can go bid it out. If we don't do this they can't bid.

Council member McVan said the sidewalks are fine, it's everything after that.

Council member Dalvi said those can be deferred. For example, the playground, we can put conditions on it saying that it is up to \$30,000.00 based on all these other things happening.

Council member Callender asked Ed if there was anything that could happen on the intersection project that could cost the village more money than what we are projecting to spend. Ed said he could not promise that. Council member Callender said you just answered my point. He said why can't these two appropriation items wait for a few months and he would be all for it. He said then we will know one hundred percent what it is going to cost us on the intersection which in his opinion is the most important thing going on this year.

Council member Gauldin said let's see if we can engage in that a little bit. The question that he would bring up to do that is to compartmentalize all of this so that we can get a handle on it. We know right now, when I look at the three items coming up, the big one is the sidewalks, The question is what can we put off and what happens when we do put them off. He said we are stuck with the sidewalks; we are going to lose the \$150,000. We are getting close to the edge. The question for him would be if you can put the parking lot off, if you can put the playground off, can we move forward on the sidewalks.

Council member Dalvi said the sidewalks were done for a reason. If we don't budget and we don't give them some guidance they cannot go and bid so let's take that out of the picture. Let's talk about the other two, the parking lot as well as the playground.

Council member Callender asked if council would be willing to entertain a motion that the parking lot and the playground be taken off of this ordinance and leave the sidewalk on it.

Council member Dalvi said he would like to ask Dan, who is leading the playground project to see realistically when do you think you are ready to order. Dan said he is fine, we just picked a date out of the air and we hoped for spring but it is looking more like summer.

Council member Dalvi said he is not in the position to judge the parking lot issue. It is not stopping us from parking on it now. Council member Callender said it can be something that the service committee takes a look at.

Mayor Monahan said we borrowed money and we picked that \$150,000.00 out of the sky. When we borrowed the money for the sidewalks the condition was that it had to be paid back if we did not use it. We have used \$33,000.00 on engineering cost so if we were to pay it back and he is glad to hear the discussion tonight, we would have to load \$33,000.00 in to it to give it back.

It was moved by Mathews, seconded by Dalvi to amend Ordinance 02-2014 by removing the appropriation line items of Parking Lot \$10,000.00 and Playground \$30,000.00. Following vote on the motion is recorded: yea, 6; Callender, Dalvi, Gauldin, Kemplin, Mathews and McVan. Nay, none. Chair declared the motion passed by a 6-0 vote.

It was moved by Gauldin, seconded by McVan to adopt Ordinance 02-2014 as amended. Following vote on the motion is recorded: yea, 6; Callender, Dalvi, Gauldin, Kemplin, Mathews and McVan. Nay, none. Chair declared Ordinance 02-2014 passed by a 6-0 vote.

Council member Dalvi said he just wants to empathize, because these meeting minutes will be read, that the playground thing will be reconsidered. I do not want to go out there and say that this is something that has been rejected. For the record, that money will be reappropriated at a later date for reconsideration. Council member Mathews said we are hoping for large donations and things like that so we may not even need the full \$30,000.00 that Council has discussed.

Second Reading- Ordinance 03-2014- Sponsored by the Rules Committee – An Ordinance to amend Section 121.02(c)(1) (Standing Committees) of the Codified Ordinances of the Village of Shawnee Hills

### **Bills**

It was moved by Callender, seconded by Kemplin to pay the bills in the amount of \$23,114.52. Following vote on the motion is recorded: yea, 6; Callender, Dalvi, Gauldin, Kemplin, Mathews and McVan. Nay, none. Chair declared the motion passed by a 6-0 vote.

### **Treasurer's Report**

It was moved by Gauldin, seconded by Dalvi to approve the following treasurer's report: General Fund 205,980.66, Street Fund 21,867.91, State Highway Fund 5,971.28, Drug Law Enforcement Fund 627.00, Enforcement and Education Fund 1,985.00, Mayor's Court Computer Fund 9,133.00, Fire Fund 57,291.78, Weed Fund 6,169.79, TIF Fund 21,410.11, TIF 2 Fund 935.48, Veteran's Memorial Fund 98.97, Capital Projects Building Fund 90,065.76, Capital Projects Intersection Fund 50,000.00, Capital Projects 9484 Dublin Road Fund 5,770.25, Capital Projects Sidewalk Fund 117,780.00, Sewer Operating Fund 69,187.78, Sewer Replacement Fund 126,000.00, Storm Sewer Fund 6,189.19, Enterprise Debt Service Fund 66,299.38 and Enterprise Debt Service Reserve Fund 99,126.74 for a total of \$961,890.08.

### **Miscellaneous Business**

Council member Gauldin said over the years we have had some really good council meetings. We have had some head butting now and then and notwithstanding, I will miss Yvonne as a neighbor, but I also respect what she did when she was on Council and I think tonight was yet another example of how we can disagree but somehow find a way to come up with a solution and I think that is something this village does that I know a lot of places have trouble with. I appreciate everybody here.

Council member Dalvi said when he started here Yvonne was part of the Finance Committee and there was a significant amount of work she did that we are getting a benefit from today. Mayor Monahan said he truly wants to thank her for all her contributions to the Village.

There being no further business, it was moved by Callender, seconded by Gauldin to adjourn until March 10, 2014. Following vote on the motion is recorded: yea, 6; Callender, Dalvi, Gauldin, Kemplin, Mathews and McVan. Nay, none. Chair declared the meeting adjourned at 7:53 p.m.