

Village of Shawnee Hills Council Meeting Minutes

June 13, 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, Administrator Steve DeBolt and Solicitor Brian Zets

Minutes

It was moved by Vidor, seconded by Mathews to approve the minutes from May 23, 2016 with the following amendments: on page one add that Steve DeBolt was present and on page 3 change *what it to what is*. 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.

Agenda

It was moved by Dalvi, seconded by Gauldin to approve the agenda. 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.

Solicitor

Brian Zets said that the Burchfield matter was officially dismissed. That happened last month. Once all the landscaping and screening was taken care of, Mark went out there and checked to make sure that everything was according to what everyone had agreed to. Chris also made sure the drainage was done correctly so the case in Delaware County Municipal Court was dismissed.

We had a couple of OVI arrests and last month I had a pre-trial on an OVI and this afternoon, another pre-trial on a different OVI case. Did Mayor's Court earlier this month and it went very smoothly.

Brian said tomorrow night the BZA is having a meeting to approve the minutes from the last meeting which was the CV Real Property meeting. Just so Council knows where we are in that process: I have agreed with CV Real Property's Counsel that BZA is not going to do any findings of facts or conclusions, that if they are going to file an appeal they will file an appeal. They will have thirty days from tomorrow if they choose to do so. Also to make Shirley not to have to transcribe a two hour hearing, we actually have agreed that the court reporter transcript and the exhibits will be the minutes of that meeting so that we have a full, complete and one hundred percent accurate meeting minutes. He said I think the only think on BZA's agenda is the approval of those minutes so I will not be there. I also told CV Real Property's attorneys that they also do not have to be there but if they want to they can show up.

I started working with the Chief in regards to HB 523, the Medical marijuana bill that was enacted. There are a lot of different moving parts on this. I have read the initial legislative service commission report and I still have yet to read the final to see exactly what the bill said. This bill sets up a commission which then has to create rules and they have a nine person panel. It is very interesting how it is all set up. It is all broken down, cultivators, basically you can grow it, process it, you give out prescriptions, you sell it, and you test it. It is a very complicated process that somehow this commission is going to establish guidelines in the next year to do. There are also some provisions that are very important to you and to other places. There are zoning implications, can you actually prohibit the distribution facilities, can you prohibit or can you zone the growing areas. There are also employment issues with what can an employer do with respect to folks that have prescriptions and try and use it while they are at work. There are lots of things that need to get figured out in the next year and I am going to work with the Chief to take a look early with respect to some of those zoning issues to be able to do what you are allowed to do under the law.

Brian said there is a year for the commission to set up their rules and then two years for the program really to be in place. The commission's rules have to do everything. Establish regulations for licensing these places. They are going to set up a list that Doctors are going to be on so you are on the provider list to be able to prescribe medical marijuana, data bases that are going to have to be tracked by the State. There's a ton of things to go in to seeing a shop down the street dispensing medical marijuana. It's somehow going to get done next year so we will try to get ahead of curve on some of the things we can get ahead of the curve on.

Village Administrator

Steve DeBolt gave the following report:

- The building permit has been issued and construction started this week for the Pavilion with construction expected to be completed this month.
- The USDA(Dept. of Agriculture) has notified the Village that it will be conducting an audit to insure that we are in compliance with non-discriminatory practices since we are in their loan program. It is scheduled for July 7th at Village Hall and Shirley has gathered the necessary documents.
- Chief Baron, Fiscal Officer Shirley Roskoski and I met with Jim Danes regarding potential grant opportunities for the Village. Mr. Danes has been successful in the past in helping the Village in this regard. Initially, we would like to look into possible storm water funds (updating storm water plans would be required, bike path funding (MORPC is looking into pathway connection feasibility with Dublin), and funding for upgrading the Police Department.
- Meetings to discuss Economic Development issues in the Village have been scheduled with Bob Lamb, Economic Development Director with Delaware County for later this month. The Mayor and I will also be scheduling a meeting with the County Administrator. Ferzan Ahmed.
- It's been a long history that I have been getting caught up with in regards to Leatherlips Yacht Club. I talked to a lot of folks out there and Mark has talked with Ed and others that have been involved. It comes down to a couple of things: what the code says and what

council is willing to do in terms of accommodations if any and also the zoning board. After looking at everything I think that's the route it needs to go. It needs to be looked at by the appropriate parties. If I am looking at it, interpreting it, I can look at it and say it's been decided before, it's a moot point, if they want to spend the money to bring it forth they can but again it is in the code the right to try to get it rezoned. If they want to try to do that there is a process to go through. Mark will process it if they so choose.

There are other things out there as well. The issue with the sewer and talking to Chris we would have to add a parcel of land to our map to allow that to happen.

Councilmember Dalvi said this \$165,000.00 proposal they have compared to what I recall was much less than that. Where is the engineering work that was done last year as I recall the cost was much cheaper, there are a lot of EPA issues there? Mayor Monahan said Mike Eger gave them an estimate last year and the cost was less than \$50,000.00. They should have that estimate.

Council member Dalvi said the email I sent to Steve listed six issues that Leatherlips had and we have to answer some of them.

Steve said another one was about the potential youth in the area. Chief Baron said the problem with that is, that first road when you go into the Yacht Club, everything west of that is in the Village of Shawnee Hills, everything east of that is in the City of Columbus. We don't have jurisdiction in the City of Columbus.

Councilmember Dalvi said they were willing to discuss that because they are claiming that the youth in our village are destroying their property. Chief Baron said if we see people in there it is private property so we ask them to leave. We don't actually patrol their building because it is not in our village and it would put us in a precarious position to do so

Steve said the issue with the path; Ed brought me up to speed on that. I guess the roadblock there came to be the City of Columbus because they had no interest in allowing that to go down to the water.

Council member Dalvi said we did not want to go to the water. We wanted to do where we owned the right of way and it wasn't a paved path. We just wanted a natural path.

Steve said somebody correct me, does it have to be a road there, can it be a path?

Council member Dalvi said all we were talking about is clearing something that looked like a natural path. If you look at what was discussed with them, one was stewardship of the land that they are not using to us to give them tax benefits.

Mayor Monahan said to Steve's point we do have the right to put a road in down to that end. When we met with them a couple of years back and then Brian sat down with their attorney at the time also and we came to the same point on all those issues. But in that particular case

they would have to have a willingness for us. We even talked to them about turning over the ownership of that to us so they did not have to pay taxes on it.

Council member Dalvi said exactly, that was the whole idea. It was a creative way and a win, win, ownership, stewardship, whatever you want to call it. Look at the sewage proposal, there were multiple different things. If you look at them collectively then it makes sense. I still think we need to have a direct conversation with the board.

Mayor Monahan said set it up and let's do it.

- Mark reported that during his weekly Pump House maintenance inspection that John Kincaid discovered rags in sewer system that could be a problem and removed them. Mark has been working on street corner repairs and sewer manhole inspections and has scheduled an electrical contractor to repair lights on Buckeye Dr. and Glick Rd. and address a conduit issue for the Pavilion. He also mentioned he anticipates that two houses will be built on the residential lots across from the police station.
- It is anticipated the Village will be able to purchase a zero turn mower from the City of Dublin for \$2,500.00 pending approval today from the Dublin City Council and the City Manager does not foresee a problem.
- Storage of equipment and document retention files is an issue we may want to look into in the near future.
- It was observed that a small part of our parking lot was compromised by the home construction next door. The necessary home foundation work is completed; the area will be backfilled tomorrow the contractor will pay for any repairs to the parking lot which would be difficult to avoid due to the proximity and nature of the work done.

Police Chief Report

Chief Baron said they had no incidents, no arrests during the Memorial tournament week. It was a great week. We did have one person that the Sheriff's office took for us. We were able to do it with a fraction of the staff that we used last year. It worked out and our relationship with the Sheriff's office is a lot better. The Bogey was very happy. Everyone got along and everything went smoothly, there were no conflicts. Our biggest issue was the Uber drivers as they were new and their app was directing them to pick the people up in front and that is why we had traffic all backed up. I spoke with Captain Savage from the Sheriff's office and for Bogey events and future tournaments we are going to get together and iron something out with that. Apparently there is a way to talk to Uber about getting them off to the side. We had some difficulty with the lighting on Glick road. I talked to Steve about it. The one light pole in front of Cedarbrook has been out; apparently there are some construction issues. The lights weren't working at Shawnee Square either so it was really dark. We were able to utilize Concord Townships light tower and we thank them for that. All in all, the tournament cost us \$7.97 and that was for a couple cases of water as it was really hot. That is a fraction of what we have spent in the years past, fraction of the manpower, fraction of the hours, I think it's a win for everybody.

Chief Baron also added that the Bogey stayed under their noise variance the entire time. They were about 80dcb from Cal and Dottie's house. Saturday it got kind of loud and it may have had

a lot to do with the weather because they weren't hitting the decibels but it was clear after the rain. They shut off on time and during the week they shut off early.

Chief Baron said in regards to the new marijuana law. I hope to have something before safety at the next meeting so that we can start the ball rolling on that. The employees of the police department will not be able to use it. It is a violation of federal law and we receive federal funding. I have several things from Colorado and the IACP (International Assoc. Chiefs of Police) that they put out and it's a no go with that and I think the village has a lot of room to work with restricting or prohibiting vendors and cultivation places.

Chief Baron read the following letter from the Sheriff's Office:

Chief Baron,

Starting June 1, 2016 the Delaware County Sheriff's Office will implement an Enhanced Call Verification system on calls received in our dispatch center for alarms. This system will require alarm companies to contact two customer provided phone numbers before calling law enforcement. Enhanced Call Verification applies to burglar alarms only, not panic alarms, robbery in progress alarms or cases where a crime in progress has been verified.

Chief Baron said there's more to the letter but I spoke to everyone about this in February that they were going to try to make two calls to try to cut down costs. It has been going well so far and I just wanted to get this out there in case anyone had any questions about why their alarm companies are requiring two phone numbers.

Visitors

Larry Burchfield said as he has already stated in my previous rebuttal to Council concerning yearly beer and wine sales. Our sales remain way down since Walgreens obtained their TREX license. Getting dollar numbers for wine and beer suppliers only tells part of the story. We drive our beer and wine sales from two avenues. One way is through the door, that's the carry out sales. The other way is through wine tastings and private parties. Through the door carryout sales as I stated before are down 57% for beer and 13% for wine. This is quantified by our PLU keys on our computer registers. These registers report beer and wine sales separately. The rest of our beer and wine sales are recorded on a different PLU key assigned to wine tastings so to put that in perspective for you, our total sales were equal or maybe a little more than before but that was simply because of our increase in what we had in our wine parties, how many people we had to them and our private parties. We have taken our wine tasting party attendance from an average of forty people per event to an average of over eighty per event. So all that wine and beer that is consumed and sold at that is under a different key than through the door. Over the counter sales drive customers through our front door. When I held my license alone, before Walgreen's, a lot more people came through my door for beer and wine during all seasons of the year. Clearly if I get them through my doors then they see all the other items we have for sale. Having a business in a small village is about sharing clients. A potential customer goes to one store for one item and another for another for what the business specializes in. Does that not make a walkable community? When one or two stores have everything this theory sucks. Beer and wine licenses are initially assigned to a district, city or village based on their population. A TREX license is a

newer thing has become available to allow for a license fee for the current availability of sales demand is more than the sales. This is not what is happening. We are debating awarding a TREX license simply because one business has it so a similar business thinks they should have it too. This is a slippery slope we are setting ourselves upon. Two wrongs do not make a right. Walgreen's TREX award should also be revisited.

David Raber said the numbers I gave last week were in case sales and just briefly to repeat, in 2013 Walgreen's was granted their license on November 5th. At that time according to one beer and wine distributor Cedarbrook sales were already decreasing twenty percent. November starts the holiday season and that is when most stores do their most sales and in 2016 year to date Cedarbrook's cases were even with 2015 and Walgreens were up 53 case. The market in Shawnee Hills is expanding; the fact that they have a license is not taking customers from Cedarbrook or Iacono's. They are expanding the market. This is a constitutional question. I have been to approximately five meetings and every meeting starts with the Pledge of Allegiance to the Flag. There's a United States flag and an Ohio flag there and both the constitution of the United States and the Ohio constitution pertains to equal protection under the law clause which means similarly situated persons should be treated the same under the law. All we are asking is that CVS be treated the same as Walgreens and we believe again that it is a constitutional duty and law mandates that we be treated the same.

Mayor Monahan asked Brian if we need to comment on that.
Brian said I respectfully disagree.

Bella Awad said she had a question from a resident via the email system for the Village Gazette. The question is does the village have an environmental impact plan or some type of village wide eco-friendly policy in place or agendas or anything like that. I ask this because surrounding communities have implemented actions to be more sustainable. Is there anything that the village is doing to be more sustainable?

Steve asked if they were talking about recycling, that sort of thing.
Council member Dalvi asked if there were grants for solar buildings for the village. Steve said he has heard of them.

Bella said water conservation would be one, if you are going to plant things at the parks or common grounds what water are you using. Dublin, Delaware, Concord Township what are they doing for recycling, putting out recycling bins at the park for our water bottles. Maybe there is a program you can facilitate for the residents.

Mayor Monahan asked Steve to look into this.

Communications

Mayor Monahan gave the following report:

On June 1st I attended the Columbus 2020 leadership Board breakfast and Morning Address for Regional Business Leaders. This was great opportunity to interact with local business and government leaders. It was held at OCLC.

We continue to work with MORPC and Dublin concerning an effort to see if the bike paths can be connected.

Mayor's Report

Mayor Monahan gave the following report:

MAY 2016 MAYOR'S COURT REPORT

RECEIPTS

\$3,904.00 Total receipts

Disbursements

\$900.00 Treasurer, State of Ohio

\$36.00 HB 562 IDAT Fund

\$2,728.00 General Fund

\$240.00 Computer Fund

Erik Spaulding
Mayor's Court Clerk

Tomorrow evening BZA will meet to amend or approve the minutes from the May 10th hearing.

We are verifying with the presenter from the Bogey to make sure they are going to present their concept of the Glick Rd area.

The Cedarbrook code violations appear at this time to be resolved after 2 years. Our intention is to resolve issues and contend all of this could have been resolved 2 years ago. The key issue of the safety issues the flooding of Glick Rd being resolved is extremely important. It appeared at the last large rain Glick didn't flood.

I want to thank the Frambes family and say that Jack is and will be missed. Jack was a man who worked hard in a positive way throughout his life to improve his community. You are missed my friend

Committee Reports

Council member Gauldin said that Rules Committee met tonight just before Council. One of the big things we discuss is currently we have an ordinance on our books which is 121.02C Section 5 sentence 4, the rule that is sitting there right now says that any council member can attend any of the committee meetings yet unfortunately it has been advised to us that this creates a scenario that could interfere with the sunshine law so as we have things set now we should be clear but what we were asking is to have this part of the ordinance updated to reflect a better language if needed.

Brain said he does not know why that sentence is in there. He said the other part of that section says that the council person can participate in the entire deliberation and discussion except all they cannot do is vote, which flies in the face of the open meetings act so we will get this cleaned up.

Council member Gauldin said we are going to look into advisement on how maybe we can better set the committees up to allow communication between the council members but there is more to come on that.

Council member McVan said that UST met and we discussed having an open public forum for the website. We are thinking of having this on July 18th at 6:00 p.m. Mayor Monahan said he would like to run a green light session and have people come in with requirements. Council member Dalvi asked if Finance has allocated a budget for this. Council member Dalvi said he sent out an email proposing a budgetary reallocation of x amount of dollars for us to work with. Any project without a budget is a no stopper. He is suggesting that ten thousand dollars be allocated for this.

Council member Gil said he called Buckeye Interactive and we have money allocated to upgrade the website. I know we have to have some funds but we already have some funds with the company that maintains our website. We do have about thirty working hours with this company. He said he will be more than happy to help with this as that is what he does in his line of work. Council member McVan said that Chris Tebbe is working on updating our drainage master plan.

Council member Vidor said that Safety Committee met on May 23rd. We discussed the Lexipol policy and training module for the police department. We also discussed the speed sign that we are now using from Paul Peterson Co. and possibly purchasing it. We also discussed the vehicle mileage log sheet review process with the police and we discussed the tournament staffing which is now past tense. We also discussed the response to resistance training review.

Legislative Actions

It was moved by Mathews, seconded by Gauldin to take Resolution 06-2016 off the table. 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.

Third Reading- Resolution 06-2016- A Resolution authorizing and directing the Village Administrator to execute an Economic Development (TRES) transfer form for Ohio CVS Stores, LLC. It was moved by McVan to adopt Resolution 06-2016. No Second was given. Chair declared the motion failed for lack of a second.

Third Reading- Resolution 07-2016- A Resolution to amend the Employee Handbook for the Village of Shawnee Hills. Mayor Monahan said this is the travel policy. It was moved by Gauldin, seconded by Dalvi to adopt Resolution 07-2016. 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.

Third Reading- Resolution 08-2016 – A Resolution that the Village of Shawnee Hills host an ice cream social and a picnic to celebrate the 75th Anniversary of the Village. It was moved by Dalvi, seconded by Mathews to adopt Resolution 08-2016. 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.

Third Reading- Ordinance 12-2016- 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, 2016. It was moved by Gauldin, seconded by Gil to adopt Ordinance 12-2016. 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.

Second Reading- Ordinance 13-2016- An Ordinance to grant variances to the provisions of the Shawnee Hills Code section 509.09 to allow applicant, Shawnee Hills Chamber of Commerce to deviate from time and volume standards for the Summerfest. Mayor Monahan said he was doing the math and this will not go into effect in unless we pass this as an emergency. It was moved by Dalvi, seconded by Mathews to amend Ordinance 13-2016 to add the emergency measure. 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 suspend with the third reading and declare Ordinance 13-2016 an emergency. 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 Vidor, seconded by Mathews to adopt Ordinance 13-206 as an emergency. 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.

Second Reading- Resolution 09-2016- A Resolution declaring municipal personal property (3 axon body cameras, 1 axon single bay dock, and 2 axon single bay extension docks) is not needed for municipal purposes/public use, or is obsolete or unfit for the use for which it was acquired, and that the property has no value, authorizing this property be donated to the Village of Ostrander, and declaring an emergency. It was moved by Mathews, seconded by McVan to suspend with the third reading and declare Resolution 09-2016 an emergency. 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 McVan, seconded by Mathews to adopt Resolution 09-2016. 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.

Second Reading- Resolution 10-2016- A Resolution authorizing the Administrator to sign the contract with Strawser Paving, Inc. for the 2016 paving improvement project for the Village of Shawnee Hills, Ohio and declaring an emergency. It was moved by Gauldin, seconded by McVan to suspend with the third reading and declare Resolution 10-2016 an emergency. 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 McVan, seconded by Dalvi to adopt Resolution 10-2016. 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.

Council member Gil said the West Riverview is underdeveloped and I wanted to know what is going to happen to that road. He asked Steve if he could take a look at the road and get back to us. I have been approached by a few neighbors and it has been like that for years. How much will it cost to develop it?

Steve said all I can do is get a price as to what it will be but it will change next year.

Council member McVan said we have looked at it and most of the time it eats up pretty much our whole budget for that one road.

Steve said it needed some maintenance and Mark has attended to that.

Bills

It was moved by McVan, seconded by Mathews to pay the bills in the amount of \$36,993.76. 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 Gauldin to adopt the following treasurer's report:

General	258,235.24	Fire	86,557.83
Street	224,456.32	Weed	5,262.47
State Highway	12,377.67	TIF	19,852.48
Parks and Recreation	900.00	TIF 2	9,080.96
PD Body Armor	884.63	Veteran's Mem.	98.97
Cont. Prof. Training	2,480.00	Sewer Oper.	53,989.70
Drug Law Enf.	200.00	Sewer Repl.	166,000.00
Indigent Drivers	385.84	Storm Sewer	1,577.83
Enfct. and Education	2,010.00	Debt Service	104,365.12
Court Computer	5,555.53	Debt Reserve	100,652.31

Total: \$1,054,922.90

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.

Miscellaneous Business

Council member Mathews said that the Chief received a quote for additional fencing around the police station so we might take a look at that as far as safety in completing the park. Shirley said we might be able to take that out of the TIF Fund since the pavilion came in at a lower cost.

Adjournment

There being no further business, it was moved by Gauldin, seconded by Vidor to adjourn until June 27, 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 8:03 p.m.