

Village of Shawnee Hills Council Meeting Minutes

July 27, 2015

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

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

Absent: Josh Vidor

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

Minutes

It was moved by Callender, seconded by McVan to approve the minutes from July 13, 2015 with the following amendments: on page one change the word more to moved. On page two change the word things to road and on page four change the word happer to happen. Following vote on the motion is recorded. Yea, five, Callender, Dalvi, Gauldin, Mathews and McVan. Nay, none. Chair declared the motion passed by a 5-0 vote.

Agenda

It was moved by Callender, seconded by McVan to approve the agenda. Following vote on the motion is recorded. Yea, five, Callender, Dalvi, Gauldin, Mathews and McVan. Nay, none. Chair declared the motion passed by a 5-0 vote.

Solicitor

Brian said that he finished up the access easement that we are going to try and receive so that we can park our cars behind the building next door. They had asked us to prepare the easement so basically we would be able to pay to maintain it, park there and be able to have pedestrian access. That was finished up last week and forwarded to Mark and Ed.

Brian said the municipal court case he talked about last month is not going to trial. We got the case resolved.

He said that he is continuing to work on the planning commission legislation in regards to the PUD and the multifamily zoning and ABR and possibly doing away with the SCPD version of the PUD and just going with the new PUD legislation. The planning meeting is tomorrow so I assume we will probably have those final things ready for council next month.

Village Administrator

Ed said if you may remember the UST committee, Finance and Council approved about twenty thousand dollars for drainage projects and about ninety percent of that has been completed. Mike Eger did that last week. There is a small amount remaining that Mark and I will try to get to with the tractor. We repaired an area at W. Old Powell and 745 and Seminole and 745. Council member Gauldin had asked that we get it in writing that if we did this repair then Trent from Iacono's would fix his parking lot and we did get a signed contract from Trent in that regard.

That should be completed the first week of August.

Ed said we also did some work along the ditch on E. Pawnee next to the Municipal Building. Iroquois and W. Riverview were the other locations.

Ed said he met with Chris Tebbe about a drainage complaint in regards to a new build on Cuyuga and Shawnee Trail. I think we have that resolved.

Mayor Monahan asked Ed if Chris had gotten any farther with the detention area over by the Morgan House. It is not really being used as a detention pond and if they could just slow it down I think it would make a world of difference. Ed said he did not know, he will check with Chris. Paving should start in late September.

Waterline blueprints are still at Concord Township. Chief Cooper said they are about through with them and will get them back to Chris in the next couple of days.

Chris and I are still looking for a company to blacktop the parking lot.

The curbs still need to be repainted. The contractor is busy and should be here within the next three weeks.

Council member Dalvi said if you read the meeting minutes there was some conversation on Leatherlips and I think we probably need to figure out what we are going to do. Ed said I think we are going to talk about that in executive session. That was my understanding.

Council Member Gauldin said after our Shawnee Hills Summerfest a couple of people said that a couple of street lights are out heading down to Walgreen's. Ed said he will get Mark to look at those.

Police Chief Report

Chief LeFever said National Night Out is coming up, Tuesday, August 4th. We have a lot of promo stuff this year to give out. We handed a lot of flyers out at Summerfest.

He said Cops and Kids Day in Westerville will be held Sunday, September 13th and we will be participating in that again this year.

At the last Safety meeting we discussed some of the different projects going on with the PD and one of the things we discussed was the body worn cameras and where to go moving forward with that project and kind of the pros and cons we ran into and things like that. The recommendation was made by Safety and I think the Mayor also supported that was to push forward with maybe getting a few more units and start implementing that and there is a lot of grant funding coming out at the federal and state level so I think we may be able to secure more next year through funding but that's something for finance to look out for. We will probably be sending something to you guys from safety on the body cameras.

He said they had range training this past weekend. We had a couple of guys go to drug interdiction and roadside training which is more of a patrol based training. We have a couple of guys going to CIT (Crisis Intervention Training) this year. There's a nationwide push on that training. It's what is helping officers deal with autistic and bipolar people and also people with mental illnesses, just anything at all in a stressful situation. We actually have had some really good feedback from community members who have had some similar issues and have been thankful for the way our officers handled those responses and those calls and those officers just happened to be CIT certified so my goal would be to get all my officers through and it is free training and it is paid for by the State. It is a week long course and that makes it difficult for some of the officers to take off because of their other job. About forty percent of our officers are certified.

Chief LeFever said they are also on the Child Abduction Response Team or CART Team. That's who gets called out on any missing children or anything like that. Lieutenant Baron is one of our points of contact on that and the team and has actually been a big part of putting together the criteria for the team because this is pretty new to our area. This includes Delaware County, Powell, I think Dublin is involved; I could be incorrect on that, plus Delaware County EMA. There are a lot of people involved in this project. He said we got the new cruiser. We just need to get the wheel covers in and installed.

Communications

Mayor Monahan gave the following report:

Yesterday I sent an email to Sheila Hiddleston, Director, Delaware County Health District:

Hi Sheila I hope all is well.

I am requesting that Delaware County fog our Village this week for mosquitoes. I know you are aware that Dublin is fogging because of the West Nile being detected and I know there is concern.

Thanks Sheila, your help on this issue is very much appreciated!

Pat

I did receive a couple of emails back where they referred it to someone else and effectively I got something back this afternoon from a person they work with in Franklin County that does their fogging. We are looking to see what they come up with. She referred this to Adam Howard, Resident Service Manager. He is doing some checking right now to see what can be done.

We experienced the traffic back up again on this past Saturday because of heavy Zoo traffic. It appears to occur between 10:30 AM and 1 PM on Saturdays and occasionally on Sundays:

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

Sent: Saturday, July 25, 2015

To: 'Stalf, Tom'; 'Gannon, John'; 'Thompson, Scott'

Cc: 'dan.mathews@shawneehillsoh.org'; 'Steve Smith'

Tom we really need help. Please close the west entrance. It is killing us again today.

Thanks Tom!

Pat

Pat Monahan

Mayor Shawnee Hills, OH.

I received a copy of the minutes from the Concord Township Trustees mtg. of April 27th 2015.

2. Mr. Irvine received a repeat zoning violation complaint for a Mohican Drive property. Mr. Johnson does not want to force a financial hardship on the property owner, who is elderly and in poor health. Mr. Garrett does not want township taxpayer dollars going toward the cleanup. The Trustees asked for a letter to be sent to the property owner to take action on the zoning violations.

Mayor's Report

Mayor Monahan gave the following report:

Congratulations to The Shawnee Hills Chamber for the summer fest. It was a great community event.

Planning and Zoning will meet tomorrow evening at 6PM and Brian will attend. We will be considering density and the potential for multifamily housing in designated areas where that could be conducive and most likely will otherwise never be developed.

Last Friday the Chief, Officer Lirtzman and I picked up the new car 55. Ford still does not have all the specs for the 2016 Explorer so we have a few adjustments to come. It is a great unit!

With the good work Mark did on pricing the new truck and Shirley did on the financing I had asked Finance to look at and recommend on the truck proposal since there is a considerable lead time and we need to get it in December. The good news is since we will be trading in a good vehicle the lease to buy payment goes down by \$102.00 a month on a recommended 3 year lease to buy. This will allow us to have the truck under warranty for the time we would have it.

There is a seminar on grant money being given by Sue Spiker, District 17 next week and I recommend Ed or Mark go to it to support Sue and District 17 who has been very good to work with the Village.

Lori Gischel from RITA has let us know they have 5 businesses who haven't responded to the Business Audit. She said they will issue Subpoenas in August with our go ahead and I told her to do so.

I have the RITA report from June 30th if anyone wants to discuss it. As you know it is a snapshot in time. It is currently \$162,810.88 to the positive difference 2015 over last year.

Committee Reports

Council member Gauldin said that Finance met and they discussed the truck proposal for this year. We looked at a couple of things and currently the offer made to us for a three year loan puts us at a payment with an equipped truck at less than what we are paying now for our current truck. With this information and the fact that the current truck may start to show some issues we reviewed all this and a motion passed to move forward with the purchase of the quoted 2016 Ford F 350 with the equipment shown highlighted using the terms of the three year lease payments at \$577.78 per month. Our current truck will be traded in.

Council member Gauldin said that UST met and spoke in depth with John Kincaid about the sewer and probably asked and were told all sorts of great things about our sewer that we never knew before. A couple of things were discussed. One of the minor things was a main running down to the Trail and it showed, after our normal investigative routine, some issues and question on flow so we asked Ed and John to work together to figure that out. On the tail of that we talked about what it would take to fix problems as they occur. As we talked about this main, we talked about what could happen, what might happen, things of that nature and during that discussion we spoke quite a bit about the pump station, about any kind of lateral that might need dug up, going down to the main, etc. The cost of this stuff is just getting more and more expensive every day so in these discussions it was made very clear that by saving our money and watching for the issues

that can occur later we are a lot better off than trying to wait until the last minute. Trying to wrangle up some sort of payments or loan that would put us right back into a high interest rate loan and be stuck without any way to get that down. In general the advice was you are going to save your money, stay the course and be prepared with that nest egg when you need it. Council member Dalvi asked what is the worst case scenario? Council member Gauldin said worst case scenario is the pump house blows up and everything caves in. If that happens we would have to, according to John, it would be our responsibility to get a pump truck down there and pay lease on that to run it and it probably wouldn't be big enough and it would probably be noisy and nasty. Council member Dalvi asked if we could buy insurance for that. Shirley said the building is insured, it would just have to be rebuilt.

Legislative Actions

Second Reading- Resolution 14-2015- A Resolution to increase the rate of pay for Erik Spaulding, Mayor's Court Clerk for the Village of Shawnee Hills, Ohio. Ed said that he wanted to endorse this also, he does a great job. Mayor Monahan said I do too and he has already received his evaluation and he has been a great fit. He also helped Mark out on Dumpster Day

First Reading- Ordinance 19-2015- An Ordinance authorizing all actions necessary to effect an opt-out natural gas aggregation program pursuant to Section 4929.26, Ohio Revised Code, directing the Delaware County Board of Elections to submit a ballot question to the electors and declaring an emergency. Council member Gauldin said this opt-out scenario is very similar to what we did on the electric aggregation. It was moved by Callender, seconded by McVan to suspend with the second and third readings and declare Ordinance 19-2015 an emergency. Following vote on the motion is recorded: yea, 5; Callender, Dalvi, Gauldin, Mathews and McVan. Nay, none. Chair declared the motion passed by a 5-0 vote. It was moved by Dalvi, seconded by Gauldin to adopt Ordinance 19-2015 as an emergency. Following vote on the motion is recorded: yea, 5; Callender, Dalvi, Gauldin, Mathews and McVan. Nay, none. Chair declared Ordinance 19-2015 adopted by a 5-0 vote.

Bills

It was moved by Callender, seconded by McVan to approve the bills in the amount of \$86,769.29. Following vote on the motion is recorded. Yea, five, Callender, Dalvi, Gauldin, Mathews and McVan. Nay, none. Chair declared the motion passed by a 5-0 vote.

Treasurer's Report

It was moved by Dalvi, seconded by Callender to approve the following treasurer's report: General Fund 341,488.31, Street Fund 96,931.64, State Highway Fund 9,860.33, Drug Law Enforcement Fund 200.00, Indigent Driver's Interlock Fund 385.84, Enforcement and Education Fund 2,010.00, Mayor's Court Computer Fund 6,832.98, Fire Fund 71,823.91, Weed Fund 5,641.18, TIF Fund 2,271.55, TIF 2 Fund 2,232.47, Veteran's Memorial Fund 98.97, Capital Projects Fund 5,770.25, Sewer Operating Fund 17,749.04, Sewer Replacement Fund 166,000.00, Storm Sewer Fund 840.99, Enterprise Debt Service Fund 138,073.67 and Enterprise Debt Reserve Fund 100,053.40 for a total of \$968,053.40. Following vote on the motion is recorded. Yea, five, Callender, Dalvi, Gauldin, Mathews and McVan. Nay, none. Chair declared the motion passed by a 5-0 vote.

Executive Session

It was moved by Mathews, seconded by Gauldin to adjourn from regular session and move into executive session to discuss pending or imminent litigation. Following vote on the motion is recorded. Yea, five, Callender, Dalvi, Gauldin, Mathews and McVan. Nay, none. Chair declared the motion passed by a 5-0 vote.

It was moved by Mathews, seconded by Gauldin to adjourn from executive session. Following vote on the motion is recorded. Yea, five, Callender, Dalvi, Gauldin, Mathews and McVan. Nay, none. Chair declared the motion passed by a 5-0 vote.

It was moved by Gauldin, seconded by Callender to reconvene regular session. Following vote on the motion is recorded. Yea, five, Callender, Dalvi, Gauldin, Mathews and McVan. Nay, none. Chair declared the motion passes by a 5-0 vote.

Miscellaneous Business

Brain Zets said he wanted to bring to Council's attention Larry Burchfield's property and give you a quick bit of an update just so Council knows this matter is still proceeding before Mayor's Court but that is sort of its on separate entity and issues that really don't have anything to do with Council.

On a somewhat related, but not really related topic are the Ordinance and the zoning for these parcels that are in question. If Council remembers way back in 1985 with Ordinance 493-85 there was a zoning ordinance if you will, almost like a text was created that prohibited buildings and driveways. Last year in October, Council passed Ordinance 22-2014 and with that Ordinance Council allowed an amendment of that 85 legislation. Section one of the Ordinance said, it was going to amend the zoning text to say: No buildings or driveways will be constructed on the above named lots, which were Larry's, except for horticultural greenhouses that had been fully approved and permitted by the Village. It also went on to say: nothing in this section shall prevent the Village of Shawnee Hills from being able to use the Adlick Drive right of way and the current and subsequent owners accept this zoning subject to the Adlick Drive right of way. If Council remembers, what happened then in Section two of the 2014 legislation is that you had conditioned that change in the zoning. It was conditioned upon Cedarbrook Landscaping applying for and obtaining all necessary variances, conditional use permits and ABR approval within nine months of the Planning Commissions July meeting. So basically what your legislation did just by way of going over it again, you granted him permission to keep the greenhouses where they were subject to them being fully permitted. He had until April of 2015 to get that all done. That did not happen. In fact nothing happened except for last week I had met with his attorney to talk about this issue and at that point in time, his attorney, Rob Rishel, turned in, if you will, a drawing to Mark. It was a very simple drawing, it wasn't an application, it wasn't the paperwork, the applications and everything that was necessary in order to even begin to go down the road of obtaining the permits that Larry needs to get this property into zoning compliance. So really the question I had for Council is a simple one at this time because Larry Burchfield's property, he didn't do what really he had requested to do back last October before Council so the conditions that you put on him, the zoning change, is invalid. Legally speaking, the condition is expired and Ordinance 22-2014 is really null and void at this point in time. As the property sits now it is currently zoned only under Ordinance 493-85. The question for you is:

are you interested or do you want to explore yet another extension for Larry Burchfield to try and get this thing into compliance.

It's been a while. Like I said, this expired in April of 2015 so it's been quite a while. I don't want to say that he turned in that paperwork facing a Mayor's Court actions because I don't know. I think it is reasonable to infer that but again what was turned in was not the necessary paperwork, it wasn't even close to it. I told his attorney so.

Council member Callender said he is very disappointed that it didn't get done. I would have hoped that it had gotten done and we wouldn't be dealing with this but I don't think we should recommend any further extension or anything.

Council member Gauldin said, if I understood you Brian, it sounds as though Larry and Council and it's been a while for me, I apologize, that there was some discussion on maybe the best way to achieve this back a year or so ago.

Brian said yes. If you remember back to last year, Planning Commission looked into this extensively then they made a recommendation and if memory serves me their recommendation was six months.

Mayor Monahan said July 22 was the meeting of P&Z and at that time I asked if eight months would take care of it and Doug Curtis who was Larry's attorney at the time said we would move fast. Mayor Monahan said no, do you need nine months and they said yes we need nine months.

The only confusion I had was when the ordinance was passed by Council. You said October.

Brian said the third reading was October 13, 2014.

Mayor Monahan said that occurred on July 22 and we came up with what I thought was a pretty decent compromise. The only thing was the action wasn't taken.

Brian said so as it sits now that condition has expired and the condition you put on Ordinance 22-2014 has expired. So the question becomes do we offer him another extension, more time to try and get this done or for Larry to submit something that actually is worthy of submittal and meets all the requirements. The thing is I know that Mark has worked hard, on a couple of occasions, trying to get Larry and his team of people, whoever that is, his old attorneys, the information and sort of a checklist, if you will, saying Larry you need this, this, this and this. These kinds of drawings, these are the applications. This is everything you need to do; these are the variances you need. Larry hasn't done anything.

Mayor Monahan said I do know that last year he was in the hospital about three times but he had an attorney that should have dealt with this at the time.

Brian said or at least something to give us some information. Understandable things come up or I hired an architect or an engineer and they can't get the plans done because they are busy and I need another month. I always think there are extenuating circumstances but that is not what is happening.

Council member Dalvi said essentially what you are asking is the conditional stuff you had in the ordinance that was passed is no longer valid and it reverts back to the older ordinance and technically that has already happened, correct? Brian said correct, his property is now in violation.

Council member Dalvi said, in my view, as of April, based on what was written; technically you are back to the 85 ordinance.

Council member Gauldin said it sounds as though we spent quite a bit of time trying to make sure that they had the documentation that was needed so there was no confusion on what had to be turned in.

Brian said we spent a lot of time and effort over literally the last year, plus really, because it started before the July planning commission meeting.

Mayor Monahan asked Brian if an injunction would be filed to injunct Larry to do something with that.

Brian said that is an option that we can look at exploring if Council's decision is not to explore any further extensions of time. That is something we can take a look at because you can file for an injunction to enjoin a zoning violation.

Mayor Monahan said my question was the next step really. Brian said we can explore those possibilities and what the options are.

Council member Dalvi said the question is, right now, what you are saying is, from what I hear, is you are reverting back to 85. Brian said correct, unless you want to offer another extension.

Council member McVan said should we take a vote. Brian said I think you should take a vote.

It was moved by Callender, seconded by Mathews that we entertain an extension on this ordinance. Following vote on the motion is recorded: yea, none. Nay, five: Callender, Dalvi, Gauldin, Mathews and McVan. Chair declared the motion failed by a 0-5 vote.

Council member Gauldin said that the Mayor brought up the zoo traffic earlier and in one of the past recent council meetings we had talked about some discussions that sounded positive with the zoo about maybe rerouting the north bound traffic from Riverside Drive to take the northeastern most entrance to the zoo thus eliminating congestion. Has anything on that proposal been started?

Mayor Monahan said after the last one, I got a response right back from Tom Stalf. At that time I know Russ engaged with him and I know there is an agreement. They are going to have one of our officers on special duty, they will pay him for that, down at the intersection. If they would close the western most entrance and force them to the eastern most entrance it will alleviate most of the problems. The design of that, of traffic coming north is all wrong because people get in there and try to get over and they jam both lanes. I am going to follow up on that.

Adjournment

There being no further business, it was moved by Callender, seconded by Gauldin to adjourn until August 10, 2015. Following vote on the motion is recorded. Yea, five, Callender, Dalvi, Gauldin, Mathews and McVan. Nay, none. Chair declared the meeting adjourned at 8:40 p.m.

Fiscal Officer

Mayor