

Village of Shawnee Hills Council Meeting Minutes

May 12, 2014

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: Cameron Kemplin

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

It was moved by Callender, seconded by Dalvi to approve the minutes from April 28, 2014 with the following amendments: correct the Police Officer's name. The correct names should be Sally Pittinger and Anthony Pizzi. 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 Callender, seconded by McVan to approve the agenda. 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.

Solicitor

Brian said that he had an arraignment at the beginning of the month and this morning in Delaware County and those things went smoothly. He said he continued to work with Ed and Mark on zoning with respect to Leatherlips Yacht Club and also continued to work on zoning matters related to Burchfield's property just so Council is made aware and Ed may report on this that Larry has submitted an application to rezone the property and that may not be the most technically correct word because it is not really a rezoning, he is trying to remove the restrictions that say no buildings or driveways are allowed on the property. He is seeking to remove that and eventually will be doing lots of other things with respect to that property but his initial first step is that application.

Administrator

Ed said that he, the Mayor and Shirley met with Dublin and Delaware Officials to discuss the intersection. It is moving along, we made some progress today. He said the Mayor may want to comment on this.

Mayor Monahan said one of the things and Ed, Sean and I are going to talk to the Chamber on the 21st and naturally one of the concerns of the businesses is any closure. One of the things that came up today is the timing of things and the fact that the traffic will have to be closed up to 14 days because of the shaving of the hill at El Vaquero. We talked to them and they always have a disincentive if you don't complete it, it cost you a \$1,000.00 a day and he asked them to consider an incentive to complete it earlier so we can lessen the impact. It was funny that the two businesses that are voicing the most concern, as far as he is concerned are impacted by it, would be Walgreen's and the Morgan House, because it is the businesses north of here and he asked

that we can make it as late as possible which may not be past September to get that done because that is early in the process to get that done. We are moving forward with the right of ways and what you have to do is you have to file everything as if it is going to go to go to a hearing or to a filing of imminent domain then what we will do is amend to take the name off of there if it gets resolved because we are not going to delay this. He said the other thing is I think Safety is going to need to weigh in because we are going to need to figure a way, if you remember when we had the pipe fail up here, you can't take a state highway and route trucks off of there to go over onto another road. You can't send them down Harriott so truly truck traffic will be rerouted to SR 42. It doesn't mean other traffic, and hopefully with better signage, we can reroute local traffic better. We also need to consider, El Vaquero is going to be probably interfered with for a while, We need to figure out a temporary driveway, whether that is off of Waterview or what and I think we are going to get to the point where we are going to need to bring traffic in and run it up to Dublin Road at East Seneca for local traffic to get through the area. We want to encourage people, not unlike the tournament, to head north and come down, head west and come down if we could to try to alleviate that but we are going to inevitably run into some of that and we want to have the least impact on the businesses also. We have a little time but that is something that needs to be looked at.

Council member Gauldin said with that being said can we either go through Safety or work with Sean and see if maybe during peak hours if traffic had to be relocated up through a residential road that we could have some sort of police assistance on that. Mayor Monahan said Safety is meeting on Wednesday night and that would be a good one to start talking about this. Mayor Monahan said even if we don't designate a detour it is going to be done. Dublin has their own sign shop so we might take advantage of that.

Ed said he did contact the City of Columbus about the land stewardship at Powell Road and they sent him a packet to fill out and he asked if the committee wanted to take care of that or we can talk about that later. They are open to several things and some things they are not and he said to ask for whatever you want then they will go through the list and approve what they want.

Ed said that the street bid opening is scheduled for June 9th.

He said he has had phone calls and meetings with Brian about Leatherlips and Cedarbrook as he mentioned and also the Prosecutor.

Mayor Monahan said the one thing he would ask is as we look at putting something in at Old Powell Road that we put something up to discourage people from walking into the backyard of houses.

Police Chief

Chief LeFever said that the closures for the Memorial will be the same as it has been in the past, close Thursday through Sunday from 3:00 p.m. to 7:00 p.m. The times could vary a bit based on the traffic. They will have their substation at the old bank at the Shopping Center this year. They will have a special duty officer at Shawnee Trail and Glick Road to help traffic get out of there. He said that he put out some emails in regards to our Officer Ethan Lirtzman's wife passing away. Bonnie was a Columbus Police Officer and she was battling cancer and lost that fight over the weekend. He said that she will have full police honors and we expect thousands of Police Officer's there so if you plan on attending the service he recommends that you arrive early.

Communications

Mayor Monahan gave the following report:

On May 6th I received a communication from Don Beatty a Dublin resident complimenting Officer Flahive. I am giving a copy to the Chief to be put in Officer Flahive’s personnel file

As a reminder we have the tournament coming up the last week of this month and ending June 1st. I want to thank the Chief, Lt. Baron and our Police for all the hours of planning, prep and duty during the tournament. I would also ask the Chief to reach out to all of us for anything the Police need during the tournament. For anyone who hasn’t visited our Police operation center during the tournament in the past I would invite you to do so this year and share in the great pride of the work the Shawnee Hills Police do during the tournament and all year.

We need 2 volunteers to help run our Annual Picnic. Cameron I will reach out to Sara and Dan I will reach out to Kate and do some real good sniveling to see if they would consider running the picnic this year at the Ohio Wild Life Center.

We are continuing to send out code enforcement notices.

Mayor’s Report

Mayor Monahan gave the following report:

I would ask you to join in a moment of silence for Officer Bonnie Lirtzman, a 35 year old Columbus Police officer and wife of our Officer Ethan Lirtzman passed away Saturday after a courageous battle with cancer. Bonnie and Ethan have 3 young children! Her services will be next Sunday and the funeral service will be Monday the 19th.

APRIL, 2014

MAYOR’S COURT REPORT

DEPOSITS:

7,718.00	TRAFFIC RECEIPTS
7,718.00	TOTAL RECEIPTS

DISBURSEMENTS:

\$1,391.50	STATE TREASURER
494.00	COMPUTER FUND
55.50	HB 562 INDIGENT DRIVER (TO DELAWARE MUNICIPAL COURT)
5,777.00	GENERAL FUND
\$7,718.00	TOTAL DISBURSEMENTS

RESPECTFULLY SUBMITTED,
JOYCE A ARMSTRONG
MAYOR’S COURT CLERK

I would like to remind everyone that Dumpster Days are Saturday the 17th and Sunday the 18th. Chipper Day is Monday the 19th of May. All to be chipped is to be no more than a 3 inch branch and the pile must be up by the street and be no larger than a medium size car. The dumpster day is to allow residents to get rid of nontoxic trash.

Due to Memorial Day being Monday the 26th we will not have a Council meeting that evening. Planning and Zoning will not meet on Tuesday the 27th.

Committee Reports

Council member Dalvi said that the Branding Committee did have a kick off meeting and we are putting a plan together, a couple of ideas at this point in terms of what our approach would be, including identifying the right agency or person that would act as a consultant for us in terms of figuring out what the branding strategy would be. Luckily we have residents in our village that are part of the committee that have connections that would help us to find the right individual to help us out. He said more to come on that.

Legislative Actions

Third Reading- Resolution 04-2014 – A Resolution to increase the rate of pay for Mark Katzenbach, Code Enforcement Officer, Snow Plower and Maintenance for the Village of Shawnee Hills, Ohio. It was moved by Dalvi, seconded by Callender to adopt Resolution 04-2014. Following vote on the motion is recorded: Yea, 5; Callender, Dalvi, Gauldin, Mathews and McVan. Nay, none. Chair declared Resolution 04-2014 passed by a 5-0 vote.

Third Reading- Ordinance 06-2014 – An Ordinance to amend Section 1113.04(d)(1) (Single Family District Development Standards) of the Codified Ordinances of the Village of Shawnee Hills. Mayor Monahan said this is the orientation for the residential dwellings and we had a lot of discussion on this last time. Council member Mathews said so the alternative for this is they could get a variance. Brian said yes. Council member Dalvi said so they could go for a variance, correct. Brian said correct. Mayor Monahan said if this doesn't pass tonight anything in the motion right now would go through the normal process and if it did pass it would be in effect in thirty days. Is that correct? Brian said you have completely confused me. Council member Dalvi said so now we got confused, I think we agreed that, the idea was, let's not make it an individual situation. If we pass it then it is still a variance that is an option and even today they still have to go to planning or whoever they need to that's what it was. Mayor Monahan said his question, and not meaning to add any confusion, was anything that was in the process is according to our existing law and anything thirty days after this was passed when the law went into effect would be according to this. Council member Dalvi said the law is when we pass for the entirety of what we are doing for the village not for a particular situation. Mayor Monahan said he understands, that is what he was asking. It was moved by Dalvi, seconded by Mathews to adopt ordinance 06-2014. Following vote on the motion is recorded: Yea, 4; Callender, Dalvi, Mathews and McVan. Nay, none. Abstain, one Gauldin. Chair declared Ordinance 06-2014 passed by a 5-0 vote.

Third Reading- Ordinance 07-2014 – An Ordinance amending Section 1129.01(d) (Application for Zoning Certificate) of the Codified Ordinances of the Village of Shawnee Hills. Mayor Monahan said this is basically a housekeeping on drainage. It was moved by Dalvi, seconded by Callender to adopt Ordinance 07-2014. Following vote on the motion is recorded: Yea, 5;

Callender, Dalvi, Gauldin, Mathews and McVan. Nay, none. Chair declared Ordinance 07-2014 passed by a 5-0 vote.

Third Reading- Ordinance 08-2014 – An Ordinance creating Section 1121.13 (Site Plan) of the Codified Ordinances of the Village of Shawnee Hills. Mayor Monahan said this is another storm water related issue and is a housekeeping issue. It was moved by Dalvi, seconded by McVan to adopt Ordinance 08-2014. Following vote on the motion is recorded: Yea, 5; Callender, Dalvi, Gauldin, Mathews and McVan. Nay, none. Chair declared Ordinance 08-2014 passed by a 5-0 vote.

Third Reading- Ordinance 09-2014 – An Ordinance Repealing Sections 1121.02(d)(10) and 1121.02(d)(11) of the Codified Ordinances of the Village of Shawnee Hills and creating Section 1333.02 (Location and Surfacing) of the Codified Ordinances of the Village of Shawnee Hills. Brain said this makes it clear that driveways need to be paved and where they are located and we moved all the sections about driveways to one section. It was moved by Gauldin, seconded by Dalvi to adopt ordinance 09-2014. Following vote on the motion is recorded: Yea, 5; Callender, Dalvi, Gauldin, Mathews and McVan. Nay, none. Chair declared Ordinance 09-2014 passed by a 5-0 vote.

Third Reading- Ordinance 11-2014 – An Ordinance amending Section 1307.07 (Steps, Walks, and Driveways) of the Codified Ordinances of the Village of Shawnee Hills. Mayor Monahan said this one originally, when we started talking about it was, our blight ordinance as it is, the only thing we really had to look at a crater parking lot was that it was based on safety. The original intent was to make sure we had more teeth to go after someone and say you have to repair it. I think when Brian took a look at this and he looked at Gahanna's to see what they had done or somebody else, it was carried through, the whole ordinance, to include commercial and residential. Council member Dalvi asked Council member Gauldin if he was okay with the new language. Council member Gauldin said he does not agree but that's okay I am one of six and I am okay with that. Council member Dalvi said I know you had some concerns about separating the two out, correct. Council member Gauldin said my comments specifically were on where do you decide to draw the line on a personal property issue versus public health, safety and a public type piece of property. That's kind of where his focus was. It was moved by Dalvi, seconded by Mathews to adopt Ordinance 11-2014. Following vote on the motion is recorded: Yea, 4; Callender, Dalvi, Mathews and McVan. Nay, one, Gauldin. Chair declared Ordinance 11-2014 passed by a 4-1 vote.

First Reading- Ordinance 12-2014 – 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, 2014 and declaring an emergency. It was moved by Dalvi, seconded by Gauldin to suspend with the second and third reading and declare Ordinance 12-2014 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.

Council member Dalvi said he wanted to make a suggestion. Can we have a calendaring thing and I know sometimes we have to go to an emergency but can we lay out a calendar that maybe we do it once a quarter, these reappropriations. Shirley said that can't always be done because we needed to approve the money for the sidewalk project that is going to start in June. Council

member Callender said I don't think we know in advance what is going to happen so it is pretty hard to say a calendar for that. Mayor Monahan said one of his biggest concerns is that Finance looked at something and it has been addressed. Council member Gauldin asked what would be your goal if we could do something, in your eyes, since we really can't really do a scheduled meeting what is your end goal. Council member Dalvi said his end goal is that there are no surprises and sometimes reappropriations happen because there are things that have changed, whether it is budget increase or some expense. Shirley knows because she puts it out there so either we walk through it and discuss it in detail at this meeting and make a call but the problem is if it is declared an emergency, we don't get that luxury to do it because it is an emergency so his point is how do we, like everything else we discuss, also discuss this appropriation in Council because we still have to discuss it. Council member Gauldin said you could still to do that, you have to not vote or make a motion for the emergency and ask for discussion. Council member Dalvi said that defeats the purpose, that is what he is asking if he were to have a discussion and maybe it is not an emergency and push it to the next time will that impact Shirley doing any payments out that's his question. Mayor Monahan said or maybe we limit the emergency to those things that would impact. He said one of the things he liked that we started doing and it doesn't always work that way, but I like when we wait until the second reading on emergencies if at all possible. Council member Callender said can it just be specific to certain instances where we have to pass it as an emergency and then put the other ones off. Council member Dalvi said he likes that idea. Shirley said she can separate out the two, no problem.

It was moved by Dalvi, seconded by Gauldin to adopt Ordinance 12-2014 as an emergency. Following vote on the motion is recorded: Yea, 5; Callender, Dalvi, Gauldin, Mathews and McVan. Nay, none. Chair declared Ordinance 12-2014 passed by a 5-0 vote.

Council member Mathews said he would like to make a motion and this is based on the report last week where we found money for the playground. In the essence of time, the lead time for delivery and installation of the playground and not getting too late into the season he would like to make a motion that we use the TIF one money in order to place an order for the playground at this point. Seconded by Dalvi. Council member Gauldin said the money from the fund raisers where would that go back into our budget. Council member Dalvi said a separate line item. Council member Gauldin said we are going to outlay the money from the TIF to buy the equipment and the money from the fundraisers is coming back to us somehow. Maybe I misunderstood that. Council member Dalvi said we have to put all the money sources into one bucket so that from that bucket we can take money out for the playground, correct, so that's the idea. Shirley said all the brick money is being held by the Civic Association, it is not in the village's hands. Council member Dalvi not that money but the other money which is moved from within our accounts. Mayor Monahan said I think we had two different questions, one question, first of all, that money would not come back to us. That is to be used on the playground. Council member Gauldin said that is what I was trying to figure out. Mayor Monahan said let's just say it might be up to, you might consider whether it's the amount of the TIF today or whatever you want to do with that but let's just say we collect enough to do the rubber matting okay. It also has to do with the Memorial Park. One of the questions that will come up is what about grants well, the reality of that one as the discussion went and I think you got this from them, which would be more of a memorial park type of thing anyways. The good news story is this money is there and I think it's a great idea that Shirley came up with and I think it would be very appreciative by people in the village. Council member Callender asked what generally is this TIF used for.

Shirley said she had to look at the ordinance and it said it was for purchase of property, playground, anything along the commercial area. This is for the area of Cherokee and south. Council member Gauldin said his only question is how much of the TIF money do we plan to use for the playground. Council member Callender said initially on the reappropriations you were asking for \$30,000.00. Council member Dalvi said we said up to \$30,000.00. Council member Callender said can't this be up to \$30,000.00 taking it out of the TIF. It was moved by Callender, seconded by McVan to amend the motion to say up to \$30,000.00. 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 McVan, seconded by Callender to pay the bills in the amount of \$ 10,438.98. 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 Callender to approve the following treasurer's report: General Fund 278,968.79, Street Fund 61,739.15, State Highway Fund 6,721.16, Drug Law Enforcement Fund 627.00, Indigent Driver's Interlock Fund 385.84, Enforcement and Education Fund 1,985.00, Mayor's Court Computer Fund 9,156.05, Fire Fund 125,059.61, Weed Fund 12,120.71, TIF Fund 32,764.73, TIF 2 Fund 1,269.08, 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 46,953.01, Sewer Replacement Fund 126,000.00, Storm Sewer Fund 3,524.67, Enterprise Debt Service Fund 94,180.20, Enterprise Debt Service Reserve Fund 99,266.09 for a total of \$1,164,436.07. 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.

Miscellaneous Business

Council member Callender asked Ed if he had a list of the roads that are going out for bid. Ed said he did not have it with him and would get it to him.

Shirley said that she received an email from Jean Nolan and she is asking for help getting some of her items to the dumpster this weekend. Council member Gauldin said he would help her.

Council member Gauldin asked if anybody in the audience had anything to say now would be a good time to do that.

Steve Smith said he would just like to get a clarification from the group that was here last time, understanding that it was an emergency ordinance and it wasn't passed as that, we understood that if we submitted our documents that law would not affect this build for thirty days after you passed the ordinance tonight. Is that the correct understanding? Ed said the ordinance as it stands; correct me if I'm wrong, the ordinance we have allows us to say which way the house faces based on our current ordinance. Brian said that is what was said at the last meeting, correct. Steve Smith said he would like to see that ordinance, if somebody could point that out to me or put it to me in writing. Mayor Monahan said we will get it to you. Ed said you can ask for a variance. Steve said I understand that but this was in place before this ordinance was passed and it is going to cost the people more money for a variance.

Mayor Monahan said that was the point of his question, in essence, since this law that just passed tonight takes effect thirty days from now, my question was if something was in the hopper right now it is according to our existing ordinances, is that a correct statement. Brian said correct. Steve said and not the new one. Brian said correct but it was said at the last meeting that the spirit and the intent of code as it exists today gives the BZA or the Planning Commission the ability to ask someone to orient their house in the same direction. You have to go through the whole process of submitting whatever you have to submit to get all the proper permits and requirements to build whatever you want to build. Council member Dalvi said that process is still there. We did not change any process. Steve said they plan on using that process I guess the next question I would have is there any rules or can somebody give me the information on what the ruling factor would be, is it a Council vote again or is it BZA. Council member Dalvi said it is BZA. Mayor Monahan said to Brian so they come in and they want to build according to our existing code. They file with Planning and Zoning and then it goes to BZA, what's the steps. Brian said he does not know because he does not know all the applications, we never really walked through how somebody builds a house here so he cannot answer that. He said that would be a question for Mark. Whatever you got to do that's what they have to do just like everyone else. Council member Gauldin said none the less though we can get him an answer that's wrote out. Mayor Monahan said lets write it out and send it to Steve, again all I was trying to differentiate between thirty days and today. Council member Dalvi said you should have all the processes and what the details of what our processes are, in terms of how to apply, what to apply for, what papers you need I thought that was what you had discussed. Steve said we turned in the processes last week, everything you needed for submittal and he just wanted to make sure that we were abiding by the BZA rules because it sounds like we are heading in that direction. He asked do the homeowners in the area come into play with the BZA, if there is an infringement? I talked to everyone on Wyandotte where the back of the house would face and Terry McGill is one of them, the three of four that would be most affected and they had no problem with the back of the house facing Wyandotte. Ed said that is not the only factor but that can be a factor. Mayor Monahan said to answer the question though, I believe that on any BZA thing the people surrounding would get a chance to comment on that. They choose to show up or not show up but they get notified of the meeting. Steve asked if it would be a vote of them. Mayor Monahan said they impact what the Board decides on, but they get the input, the input is if I am going to build something next to you and it requires a variance you have the right to give input on it, you know as Terry might say all I want to know is what the drainage is going to be. Steve said we addressed that with him.

Terry McGill said his concern is the drainage but having listened to this it brings up in his opinion some other questions or other issues because he is trying to put himself in the mindset of those folks coming in and again he thinks Steve was going down the road of what applies now. I think you tried to differentiate thirty days from now so is this going to be under the current rule and if it is what is that current rule or that current ordinance because everybody says oh geez the ordinance has been around. Brian said no, we didn't. We said repeatedly the spirit and the intent of the code allows that decision to be made. I do not know what specific number or how all those are read together so no, let's be very clear that is not what was said before.

Mayor Monahan said but it is under the existing code and we owe a copy of the code to Steve and you can get it on the website but we will get you a code and I think your next request Steve was the steps. Shirley said that Mark will respond to the application that was submitted and he will go over whatever steps you have to do after that. That's Mark's job. Council member Dalvi

said that is Mark's job. Steve asked who will give me a copy of the code. Brian said that Mark will provide you all the information when he reviews your application. Brian said Mark will explain exactly what needs to be done if anything needs to be done. Mark will explain it. Mayor Monahan said if we can get Steve the code in advance of that it would be good. Council member Dalvi said it is like any other process, if there are two houses built right now one there and one somewhere else, they would follow the same process and get the same kind of information so that is what we should do, that is what the process should be.

Terry said he assumes with any new build there are going to be grading plans submitted so as long as he is not in eight foot of water he is going to be happy.

Terry said he thinks there is a thirteen, fourteen foot drop from Parkside to Wyandotte and he is not an engineer but in his mind the natural way to build that scenario would be Parkside back because in that backyard it seems like there would be a lot done in terms of mounding, drains whatever to mitigate as much of that drainage as possible and building the house from the front on Wyandotte then you are basically building it up and again he is not an engineer and he does not know which way makes more sense from an engineering standpoint but that would be his concern because he is directly across from this piece of property. He said right now the only thing we have in terms of drainage mitigation situation is a fairly shallow ditch that flows west to that culvert and under Wyandotte and of course its fine once it gets into the drainage system. Ed said we are not going to let anything happen to adversely affect the drainage. He said he read a letter at the last council meeting from our engineer that said the house could be orientated from either Wyandotte Drive or Parkside Drive. In order to accommodate either orientation of this house, on this lot, the plans will require minor modifications (including grading).

Terry said ,like I said, I am not an engineer. Mayor Monahan said, to that point Terry, I think that's why people get notified because if that is a concern, they can come to a BZA meeting and say here's my concern. Mayor Monahan said we want to do the right thing. Terry said it sounds like you have a process in place to come and voice your concerns.

Council member Dalvi said that is why we said this has nothing to do with a particular house, this is for the village. There is never a good timing, we have to do this stuff sometime and the thing is there is a process and I think Steve has already started that process because there were some questions so it is already in process so now you just follow the process. It is not like we do something special for every different application.

There being no further business, it was moved by Gauldin, seconded by Callender to adjourn until June 9, 2014. Following vote on the motion is recorded: yea, 5; Callender, Dalvi, Gauldin, Mathews and McVan. Nay, none. Chair declared the meeting adjourned at 7:58 p.m.

Fiscal Officer

Mayor