

Village of Shawnee Hills Council

January 25, 2016

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

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

Absent: Mahesh Dalvi and Administrator Ed Swanson

Also Present: Fiscal Officer Shirley Roskoski and Solicitor Brian Zets

Minutes

It was moved by Gauldin, seconded by McVan to approve the minutes from the January 11, 2016 special council meeting. Following vote on the motion is recorded: yea, 5; Gauldin, Gil, Mathews, McVan and Vidor. Nay, none. Chair declared the motion passed by a 5-0 vote.

It was moved by McVan, seconded by Gauldin to approve the minutes of January 11, 2016 with the following amendment. On page one, change the name Dave Hatcher to Rob Thatcher. Following vote on the motion is recorded: yea, 5; Gauldin, Gil, Mathews, McVan and Vidor. Nay, none. Chair declared the motion passed by a 5-0 vote.

Agenda

It was moved by Gauldin, seconded by McVan to approve the agenda. Following vote on the motion is recorded: yea, 5; Gauldin, Gil, Mathews, McVan and Vidor. Nay, none. Chair declared the motion passed by a 5-0 vote.

Solicitor

Brian said he received a call from Aaron Docie. He is the go between Vince and that property because they had called me a few weeks ago and said they would like to have a meeting with the village again. Brian told them that it would be a good idea to have it in a public forum if you were going to come with some big ideas. I never heard back from them, but Aaron actually called me today and I told him again what I had told him two weeks ago.

Brian said he finished up the issues that had to do with Sean's resignation and the legislation for tonight for the appointment of a Chief.

Had Mayor's Court on the 13th and we actually had a trial that had to do with that property at 9255 Shawnee Trail, the gentleman with a collection of items in his yard. We got a conviction and he appealed it before he walked out the door. Council member McVan asked how long will the appeal take. Brian said the case will be set for trial up there. It won't take a long time but he has not received a notice of the date yet. He said this will be a continuing violation of the 228 days that he had at Mayor's Court.

He said they had a pretrial on the Larry Burchfield matter up in Delaware County as well. We went up there and the Judge just wanted to know where things stood and we let him know that the process is being worked through so they continued the trial date to sometime in the beginning of March. Brian said that the ABR met on the 21st and Larry was granted a Certificate of Appropriateness but there were a handful of conditions that were attached to that Certificate of Appropriateness which had to do with applying for and being approved for the variances and any other things he needs. That was the first step in a multi-step process that Larry has to go through but he is under way.

Police Chief Report

Chief Baron said we are now using the new hiring process. We are going to be running the oral boards at the beginning of next month. We have four part time candidates and four full time candidates depending on how the legislation works out tonight for the full time spot. We recently swore in James Marcinko as an auxiliary officer.

We just took on an intern, Ethan, from Otterbein University. He is doing a great job and has been working with us for about two weeks.

The Ohio Collaborative Community Police Advisory Board. I reported last year about some changes in policy that the State mandated after this collaboration board. What they are coming out with now, it's not a requirement, it's above and beyond, it's a certification for the agency where we would send in our policies and how we would comply with certain rules that the State set forth and they will audit us and we will receive a certification from the State. It is at no cost and part of my email to the Mayor and the Solicitor I explained about CALEA and it is a great thing but not for a community our size. This would be not to that height but similar.

All the upgrades to the PD seem to be working well. We have seen a decrease in request for reports from insurance companies since we now go through LexisNexis and it is all online.

We did update a policy in regards to persons in mental health crisis. The old way was to handcuff them and put them in a police car and then transport them to the hospital. We have talked to Concord Township and we are going to utilize a medic to transport the individual in mental health crisis. It is safer for us and safer for them and it is an overall better practice of doing that. I think this is a practice that will be countywide here soon.

We had to install some lighting in the doorways at the PD. This was a requirement of the fire department. The electric issue was fixed. The only part of the building that wasn't fixed or upgraded went out the other day so we had them out to fix that so we have all new electrical.

We are going to be installing Visitor Only parking signs in the front two parking spaces next to the building. We are seeing one to five people every single day dropping stuff off for the drug drop box.

We are working on policies for responding to false alarms. We have responded to 127 false alarms in the last three years and two of them were actual alarms. What the State of Missouri has done is that instead of calling the police first and the resident second, they are calling the resident first then the police. They cut the false alarm response in half. This does not apply to panic alarms or medical alarms, just the actual burglar alarms. Delaware County is looking at switching over to this way so it will be a county wide system.

Lieutenant Cullen took my place on the Drug Free Delaware Board and Officer Amick will be attending the Safe Communities and the Traffic Safety programs in place of Lieutenant Cullen. Chief Baron said I was recently nominated by the Department of Public Safety Director John Borin to the Ohio Private Investigation and Security Commission for the State. I spoke with the

Mayor and it is not going to affect my appointment here. It is going to give us access to some contacts and possibly some resources down the road. I am waiting on the Governor's final confirmation of that. He is out of State.

We did send Officers to the funeral of Officer Thomas Cottrell. This one kind of hit home with our officers because he was an auxiliary officer and he worked the midnight shift alone and his community was about the same size as ours and it is about an hour away from here.

Next week we are meeting with the women's club to discuss the block watch and looking at scheduling another town meeting in late February, early March.

Visitors

Carol Kender said that she received the storm water management report that Chris Tebbe put together. It looks to me like he did a really, really good job. He identified every issue that he and I looked at. I think he has some good plans in there and I am just hoping that the council follows through and some of those plans come to fruition because he did lot of work on it. He is not here but I would complement him on it.

As far as the Chamber goes, I got your little note last night Pat and I just have a question. Is the Village of Shawnee Hills interested in working with the Chamber or not.

Mayor Monahan said absolutely.

Carol said your note didn't sound like that.

Mayor Monahan said first of all, you send me the chamber thing as a person. I told you I don't want to receive it. The village will, that's up to Council. I think you noticed on there, if you want to bring those things up we can go through all of them but essentially what we did do is I said we want to work together to resolve issues. You will see in my report the different things I am reaching out to the businesses.

As far as the storm water thing Jim, I sent it to you and ask that it go to UST and that is how it gets taken care of.

Bill VanCura, 39 E. Cherokee Drive said he and his wife Denise have the Village Farm Market on Dublin Road. We have been residents of the village since 97 and have had a business in the village since 98. There was a little bit of discussion at the last council meeting I attended about attracting new businesses and I think that is very important. We all knew that once the intersection was completed there was going to be a lot more people interested in doing business in Shawnee Hills. Our Village has something very unique right now that you really see almost nowhere else and that is the Mom and Pop businesses where the business owners actually live in the village or just outside the village. I do understand that the way the village gets their money to operate is mostly through income taxes. As a Mom and Pop we certainly don't give a lot of tax dollars to the village but having said that as we attract new businesses, I would ask that you try not to do too much to cannibalize the existing businesses. If there is another farm market opening up down the road that is not going to give us more tax dollars. It will take half my business or if there is another garden center or another bakery or if Starbucks comes in it will take Dell's coffee business or Jeni's comes in it will take Dell's ice cream business. I just want to make sure that we all, as we try to attract new business, try not to actively recruit people that will cannibalize existing businesses.

Mayor Monahan said that is where the cooperation with the Chamber really comes in, to look for the right kind of businesses to come in.

Robin Fellure said she wanted to mention that the Chili Cook Off is this Saturday from 5:30 - 7:00 p.m. We always welcome everyone's participation and you can bring your own beverage to enjoy while eating chili.

She said I wanted to ask some questions and it was brought up at the last meeting about committee appointments. But I saw something mentioned in the minutes so I think I got one of my questions answered when the President Pro Tem mentioned that council can request if they are interested in being on a certain committee. She asked how are you appointed to committees and do you rotate committees. Could you be on the same committee each year or do you try to rotate people through the committee so they get a fresh eye on the committees. Council member Mathews said yes and no. I ask if there is a preference but if there is some sort of specialty. Jim is on UST which is Utilities, Service and Technology and Jim is an engineer so he kind of fits perfectly. Mahesh is actually going to go from Finance to Technology this year because we have kind of a major overhaul, hopefully in technology and we would like to have his input in it. Other than kind of juggling them and finding out if someone wants a different look. Other than that there is no real science to it.

Council member Gil said that he was going to ask if he could be engaged on the Finance Committee. That is a committee that is appealing to me. He asked who do you have on that committee right now.

Council member Mathews said Jim, Josh and me. This is Josh's first year, my second and Jim's I don't know how long, several years.

Council member Mathews said that is the only committee I am on. Mahesh is only on the UST committee this year. We have three members of council on each committee. Rules only meets once a year the others meet monthly.

Communications

Mayor Monahan gave the following report:

I received the Top 25 Monthly distribution from RITA and I want to ask Shirley to work with RITA to determine some of the negative discrepancies from businesses.

I want RITA to audit them.

Yesterday I sent an email to Virginia Farneman to try and get the Liquor license issue moving: Hi Virginia I hope all is well! Would you be able to have a lunch mtg. with Jimmy V and me if I can arrange it to see if we can talk through the liquor license (beer and wine) that you have? I believe if the two of you could come to an agreement. That restaurant could be reopened with a different theme.

Thanks Virginia! Please let me know what dates would be good for you and I will coordinate with Jim. Say hi to Dr. Roy!

Pat

Last Wed I spoke with Mr. Trembly and he is continuing to work with investors about opening a business in the shopping center. He is hoping they will move faster.

Mayor's Report

Mayor Monahan gave the following report:

Former Police Chief LeFever resigned from the Village as of 1-16-16.

I have appointed Acting Chief Russ Baron as Police Chief and he will have a 6 month probationary period. I am asking Council to confirm his appointment in Ordinance 01-2016 tonight.

Planning and Zoning will have the Cedarbrook hearing tomorrow evening and hopefully with getting the drainage issue addressed and working together we can recommend to Council a resolution.

Jeff from the Bogey will also be attending in regards to putting a building on the vacant property across from the Bogey.

Dan and I are meeting with MORPC tomorrow to make sure they understand why we are opposed to the widening of Dublin Rd and Glick Rd through the Village.

Pro Tem Report

Pro Tem Mathews said he wanted to report on what he came up with for the committees and we can consider these preliminary I guess.

UST – Mahesh, Jim and Mike

Safety – Doug, Josh and Mike

Finance – Jim, Josh and Dan

Rules – Jim and Doug

Let me know what you think and we can go from there but we should probably decide this week in order to get Shirley the schedule of times and dates.

Council member Gil said to Dan that I have already asked you if I could be on Finance, is that okay, maybe Jim can join the Safety committee so that we can keep a rotation. Is that an issue? Council member Gauldin said I have no problem doing whatever the Pro Tem wants me to do. I've made no bones about that in the past. If the Pro Tem thinks there is a good spot for me I will go there and do that. That is what I am here to do.

Mayor Monahan said we have three applications for the Village Administrator position and we will get together on Monday to review them.

Legislative Actions

It was moved by Mathews, seconded by Gauldin to remove Resolution 01-2016 from the table. Following vote on the motion is recorded: yea, 5; Gauldin, Gil, Mathews, McVan and Vidor. Nay, none. Chair declared the motion passed by a 5-0 vote.

Second Reading- Resolution 01-2016- A Resolution to adopt a Plan of Operation and Governance for Natural Gas Governmental Aggregation and declaring an emergency. It was moved by Gauldin, seconded by Mathews to suspend with the third reading and declare Resolution 01-2016 an emergency. Following vote on the motion is recorded: yea, 5; Gauldin, Gil, Mathews, McVan and Vidor. Nay, none. Chair declared the motion passed by a 5-0 vote.

It was moved by Vidor, seconded by Mathews to adopt Resolution 01-2016 as an emergency. Following vote on the motion is recorded: yea, 5; Gauldin, Gil, Mathews, McVan and Vidor. Nay, none. Chair declared the motion passed by a 5-0 vote.

First Reading- Ordinance 01-2016- An Ordinance consenting to, and confirming, the Mayor's Appointment of Russell Baron as Police Chief for the Village of Shawnee Hills and declaring an emergency.

Council member McVan said because of the situation we were in. First of all, Russ, I take it you read everything, are you happy with everything on the ordinance. When you flip it over, Section five, and this is a problem we got into with the previous Chief. He is supposed to be a working Chief and he has to work forty hours a week at a salary. Do you confine him strictly to that salary no matter how many hours he works or does he have the opportunity to work overtime like a working police officer. That is something that we got into a bind. I think we just need to clarify that one little issue because you are almost trapping him as far as if you put him on a salary for forty hours, but you expect him to work sixty. Do you understand what I am saying Brian.

Brian said honestly no, if he is a salaried employee, he's a salaried employee.

Council member McVan said that is what I am trying to clarify here.

Mayor Monahan said the question is can he work special duty.

Brian said that is a different issue.

Council member McVan said or is it possible for him to get overtime at all. Basically without the guy being her sixty hours a week and the guy is not getting technically paid.

Brian said you would have to take him off salary.

Council member McVan said if we have to do that, that is what I am asking.

Brian said yes.

Shirley asked why would he be here sixty hours a week.

Council member McVan said this is the problem we got into with the previous Chief.

Shirley said I think there were more problems than that.

Council member McVan said the guy has done a great job and I don't want to penalize him for the guy who was here before him.

Mayor Monahan said I think if we separate that overtime thing. That's a management issue that Russ has to deal with, his hours.

Council member McVan said I want to make sure Russ is happy.

Mayor Monahan said we all have had people who took sixty hours at all times. In this particular case I think the point of clarification we need is can he work special duty if he has worked his normal hours.

Brian said yes, he can work special duty as long as he follows the polices regarding special duty and isn't being paid for two places at one time including us. If you follow the rules and work special duty properly, yes you can. You can't prevent someone from taking a second job.

Mayor Monahan said what I want to do with him and I am going to do it with the village administrator is to have set hours and any deviation from those hours would be to notify us to say what the change of time will be.

Russ said that one thing he wanted to clarify with being on two clocks. I turn a time card into Shirley every two weeks and that wasn't done before.

Mayor Monahan said I want to make sure we show the accountability to everybody.

Council member Vidor said I think our concern is more of protecting you and we don't want you to be caught in a situation where you...

Council member McVan said going from where you went to where you are now you are almost limited in what you can make financially and you are almost taking a pay cut basically. That is what I am trying to say here is you have the opportunity to still make more money without being strapped to just that.

Chief Baron said there are some things I want to bring up to Finance later on down the road.

Mayor Monahan said any other changes would have to come through as an ordinance or anything like that.

Council member Gil said to Russ that Mike asked if you are happy with this and you never replied to him.

Russ said I am good and I think there are some changes across the board that we were going to talk about in 2016 anyways so I will bring that to Finance later.

Mayor Monahan said one of the things you really have to watch, is we need the committees to function properly. When the committees function properly they come back with a recommendation to council. That way you are not going with the wind, that the emotion says let's build Russ a throne.

It was moved by McVan, seconded by Gauldin to suspend with the second and third readings and declare Ordinance 01-2016 an emergency. Following vote on the motion is recorded: yea, 5; Gauldin, Gil, Mathews, McVan and Vidor. Nay, none. Chair declared the motion passed by a 5-0 vote.

It was moved by Gauldin, seconded by McVan to adopt Ordinance 01-2016 as an emergency. Following vote on the motion is recorded: yea, 5; Gauldin, Gil, Mathews, McVan and Vidor. Nay, none. Chair declared the motion passed by a 5-0 vote.

Mayor Monahan swore in Russell Baron as Chief.

First Reading- Resolution 02-2016- A Resolution authorizing the Administrator and the Fiscal Officer to enter into a contract with the Delaware Soil and Water Conservation District for certain public information and participation programs/services required under the Village Storm Water Management Plan

Bills

It was moved by Vidor, seconded by Gauldin to pay the bills in the amount of \$39,243.91. Following vote on the motion is recorded: yea, 5; Gauldin, Gil, Mathews, McVan and Vidor. Nay, none. Chair declared the motion passed by a 5-0 vote.

Treasurer's Report

It was moved by Gauldin, seconded by Vidor to approve the following treasurer's report:

General Fund 254,910.61	Fire Fund 78,739.10
Street Fund 175,634.68	TIF Fund 10,826.70
State Highway Fund 11,357.92	TIF 2 Fund 8,510.96
Parks/Recreation Fund 900.00	Veteran's Memorial 98.97
Continuing Prof Training 1,280.00	Sewer Operating 54,582.70

Drug Law Enforcement Fund 200.00
Indigent Drivers Interlock Fund 385.84
Enforcement and Education 2,010.00
Mayor's Court Computer 4,895.53
Weed Fund 4,072.38

Sewer Replacement 166,000.00
Storm Sewer 3,650.44
Debt Service 58,930.67
Debt Reserve 100,449.09

For a total of \$937,435.59.

Shirley said that Council member Gauldin asked at the last meeting about the transfer of money to the Rainy Day Fund. She said that it was approved in the budget to transfer \$5,000.00 to that fund and also \$1,250.00 to the Continuing Professional Training Fund. This transfer will show up in the next financial report.

Following vote on the motion is recorded: yea, 5; Gauldin, Gil, Mathews, McVan and Vidor. Nay, none. Chair declared the motion passed by a 5-0 vote.

Miscellaneous Business

Shirley said she had a couple of things. First she asked who was the rep and alternate to Delaware County Regional Planning as she has a form to complete. Council member Mathews said Jim was the rep and Josh was the alternate.

Shirley then asked who wanted to be on the Tax Incentive Review Council with her this year. Dan asked Douglas if he wanted to be on it. Douglas said okay.

Shirley said earlier Carol and Pat had a conversation about the Chamber membership this year and she has heard pay it, don't pay it so she is asking Council to vote on whether or not they want to pay the membership this year. It was moved by Gauldin, seconded by Mathews to pay the membership of \$75.00 to the Chamber this year. Following vote on the motion is recorded: yea, 4; Gauldin, Gil, Mathews and Vidor. Nay, one; McVan. Chair declared the motion passed by a 4-1 vote.

Adjournment

There being no further business, it was moved by Gauldin, seconded by McVan to adjourn until February 8, 2016. Following vote on the motion is recorded: yea, 5; Gauldin, Gil, Mathews, McVan and Vidor. Nay, none. Chair declared the meeting adjourned at 7:53 p.m.

Fiscal Officer

Mayor