

## **Village of Shawnee Hills Council Meeting Minutes**

**April 11, 2016**

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

Council in Attendance: Mahesh Dalvi, Douglas Gil, Dan Mathews, Mike McVan and Josh Vidor

Absent: James Gauldin

Also Present: Fiscal Officer Shirley Roskoski, Administrator Steve DeBolt, Solicitor Brian Zets and Engineer Chris Tebbe

### **Minutes**

It was moved by Mathews, seconded by Gil to approve the minutes from March 28, 2016. Following vote on the motion is recorded: yea, 3; Gil, Mathews and Vidor. Nay, none. Abstain, two: Dalvi and McVan. Chair declared the motion passed by a 5-0 vote.

### **Agenda**

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

### **Solicitor**

Brian said he was in court with the Scott Vasko zoning matter as it was appealed up there. Mark was up there and testified and he did a great job. We got a conviction and Scott has the right to appeal if he wants to. We will see what happens.

He said he worked on lots of legislation that is before you tonight.

He said that in regards to the Burchfield matter, all the things we have been talking about have all been resolved, all been agreed to. We have the easements that are necessary and they have been signed by the people who needed to sign them. We have his check to help contribute to the cost of Option #2 which is basically the drainage easement around the greenhouses. Larry has agreed to that option and we have agreed to the pricing. The pricing has come down since the original price because Mr. Burchfield was able to get us services from another contractor which has been vetted by Chris, our engineer, so that is all in place and is acceptable so the job will cost a little less than we originally anticipated.

### **Village Administrator**

Steve DeBolt gave the following report:

I attended a number of meetings, getting up to speed, getting a good orientation. Everyone has been very helpful.

I attended the Cedarbrook meeting onsite the other day and got up to speed on that. Hopefully that will come to a close tonight.

We had an Auditor's meeting the other day and I have sat through a few of those in the past and this one was pretty good in comparison to others that I have seen so the village has done a good job in maintaining the finances of the community.

Mark and I spent some time traveling the village and getting me up to speed on the streets, maintenance operations of the village and some outstanding code issues and potential, keep an eye on red flags, that sort of thing.

Today, Richard Ey and myself both went out to the pump house and met with John Kincaid and went over what we need to do in case we are called out for a pump house situation so we are up to speed on that.

Mark and I have been looking at signs and potential places to put them for village activities. Trying to make a point to get out and talk to many of the local businesses and ran into some residents along the way. I also made some contacts with administrator or representatives with Dublin, Concord Township and the County Economic Development office. I will continue to do that as time allows.

Getting up to speed on the village's codes and projects and I will be here on a regular basis, Monday, Tuesday and probably alternating Thursdays and Fridays.

### **Visitors**

Kathy Ragsdale, 215 W. Parkside Dr. said she received this over the weekend, the Village Gazette, Shawnee Hills own newsletter. She said that she has always really enjoyed getting the Shawnee Hills newsletter and still enjoys that. She said I prefer to get it in paper even though I could probably save that forever stamp. When I got this I wasn't one hundred percent sure so I looked on the back and I saw that it is a volunteer group and I had a chance to talk to Carol tonight about it. Just trying to figure out why we were getting two newsletters so this is basically an alternate newsletter to the official newsletter that Shawnee Hills put out.

Kathy said one of the things Carol and I talked about is I said I already get all this information either from the Shawnee Hills website or the newsletter and it said here all newsletter content is obtained via public access. Carol said that I am one of a few people that actually may go to the website or read the newsletter so this is for all the other people that either don't have a computer or don't follow the same route I do. So with that being said, I noticed there was a small article on the Westview undeveloped land. It made me think, this would be a great opportunity for me as a resident to ask the Council since there continues to be a lot of confusion, misinformation, just not understanding what is the village's options for undeveloped land and I would love to say to the Council could you, in very concise, clear, transparent way, put in the newsletter, all the options that the village has for undeveloped land. When I say all the options I mean, like everybody in the village pitch in and buy the land and let it sit to let's use the PUD. There is so much in between I'm sure, lots of options. I would love to see that spelled out very concisely so that everyone can understand it and then I think that also adds to the transparency so nobody can say that you're not sharing information with us. I am not saying anybody is saying that.

Council member Mathews said he was planning on writing something like that. He said a lot of the options that we have are somewhat dependent on them.

Brian said when you said that I kind of struggled a little bit, it's hard to outline the options because people have the right to do, to an extent, what they want and it's hard to tell what someone wants to do or what they could do because you don't know what they want to do.

Council member Dalvi said we have zoning laws that determine what can be done or what cannot be done and most of the land is private so we cannot dictate anything. It is up to them to follow the zoning laws. I think we have to be careful in terms of your ask Kathy as to what we cannot do. I would rather first start with some education to see what is it that when we say what does undeveloped mean because every plot up here that doesn't have a house or a business could be categorized as undeveloped.

Kathy said that's a great point and instead of just focusing on the elephant in the room because this will eventually will go away, one way or the other. But as you said there are other pieces of land and what I am asking for is what are the village's options. We can't dictate what a private owner can do.

Council member Dalvi said I won't comment on anything that is written in some unofficial newsletter so I will stay away from that but I think to the point is that we have zoning laws and all that stuff that dictates what can be done or what cannot be done on a given property so to truly understand that we would have to have a whole education session which cannot be put in a small newsletter. You can summarize it but all that will do is raise a lot of questions.

Kathy said that is probably okay too because this is such a huge issue and if it raises some question maybe it's an ongoing article.

Mark Hess, 4658 N Shore Dr. Westerville Ohio said he is present tonight to represent Leatherlips Yacht Club. He said he has been a member of and sailed there for fifty years. He said the Club wants to request Council to consider restoring the parking of boats on the lots that they own along Shawnee Trail between Seneca and Hiawatha. I think it is about eight lots. He said due to his ancient history of the club he wants to give a little background on the club itself. He said the club has been in its present location since 1947. The vacant lots we have owned for a majority of that time. For over fifty years we parked boats on those lots until 2014 and the Village asked us not to do that and we eventually complied. It is on these lots where we used to have the boats that we are asking you to reconsider and I am not sure technically how we do that.

Council member Dalvi said there is a history from our end also in terms of our outreach to you in terms of what we could be doing. That is probably a separate conversation.

Mayor Monahan said I can help you a little bit. Number one, once it was identified and brought to our attention you can't park on residential lots and those are residential. I believe we went back to the Club and said if you were to file to have the zoning changed on that it could be considered. No guarantee which way it would go, either way. I did learn at the time that Columbus charges you to park on their land, don't they. I think the one key thing also is you had old boats and trailers that had been sitting there for years and years. I think the short answer from a legal standpoint is you would have to do the regular filings to ask to have the zoning of those respective lots changed.

Mark said he is aware of some of the things and his understanding is that we were attempting to do that and we found nothing in the zoning itself.

Mayor Monahan said he would defer that to Brian.

Brian said he would have to go through his files on that.

Mayor Monahan asked Mark to send an email to Shirley about this and she will forward it to Brian to get an answer from him.

### **Communications**

Mayor Monahan gave the following report:

The MORPC Village dinner and meeting has been cancelled for the 19<sup>th</sup> and will be rescheduled.

I talked to someone in the village yesterday and they mentioned that the interruption in electrical service that occurred was from the same tree that occurred last time. I sent an email to Tim Suter, a representative from First Energy, that said:

Hi Tim,

My wife and I were driving through the village today when we talked with a resident and she said the same dead tree caused our next to last power interruption caused the last one. This tree is located in front of 184 W. Reindeer. Can you get with Steve and have this looked at so it doesn't cause our next power outage.

I sent this at 5:25 and by 8:45 I got something back: I plan on catching up with Steve early this week to look at the tree location. I was monitoring the outage during the prior weekend and was concerned it took so long. Many customers were out. We will take a look and see what can be done to eliminate this as its caused more interruption from service to service. Thanks for the heads up.

I received an email from the resident today and the tree has been cut down.

If anybody is interested in volunteering, the Delaware General Health District is looking for volunteers for emergency exercise. They are seeking volunteers to play the role of the public in an emergency exercise. The exercise gives participants to see how the local agencies work together to ensure the public safety and help agencies prepare for medical emergencies that would involve mass dispensing of medication. It is Friday, April 29<sup>th</sup>, Delaware County Fairgrounds. Register at: [connectionsvolunteercenter.org](http://connectionsvolunteercenter.org).

### **Mayor's Report**

Mayor Monahan gave the following report:

#### MARCH 2016 MAYOR'S COURT REPORT

##### RECEIPTS

\$2,243.00 Total receipts

##### Disbursements

\$519.00 Treasurer, State of Ohio

\$21.00 HB 562 IDAT Fund

\$1,553.00      General Fund  
\$150.00        Computer Fund

Erik Spaulding

Some good news, I called and talked with Jimmy V about progress on the restaurant. Jim told me he was completing the opening of a new place in Gahanna. He will be bringing his crew over to Shawnee Hills to renovate the bldg., put new equipment inside and seal the parking lot. He intends to open an upscale Italian restaurant with steaks in the Summer.

The Pepperoni Parlor should be opening soon.

The Aspen bldg. should be closing soon and the investment company working to get new tenants in the bldg.

Dan and I had lunch scheduled this Friday with Delaware County Commissioner Gary Merrell and Delaware County Economic Developer Bob Lamb to discuss getting new businesses into the Village. Preferably Medical Arts would be great. Gary called me on Friday and they are rescheduling since he has to be in Chicago on Friday.

I was able to get George Wiesner the former manager of Bueller's and Bill Trembly to meet.

Also Adrian Delgatti wanted his contact info and I sent it to Mark to get it to Adrian associated with the business they are opening in the bldg. where Steve Smith's office is located.

Due to a misunderstanding in meeting dates CV needs the 4/12/2016 BZA Hearing to be rescheduled to the next BZA hearing date which is 5/10/2016.

The applicant has agreed to waive the 30 day meeting requirement.

I have asked Brian to contact Joe Miller the attorney and invite them to come to our April 26 th Planning and Zoning mtg. Hopefully they will reply but I suspect with the delay in the BZA hearing they may not.

We are working on a proposal of a 14 x 24 pavilion with 3 picnic tables for the park. It would be installed just north of the Playground equipment.

This would provide parents, grandparents and other care givers the place to sit while kids are playing on the playground equipment with wi-fi. It would also provide a place to have picnics in the Village.

Dumpster Day will be May 7th. There will be a slip in the Spring Newsletter that residents and only residents can bring to dump not toxic and non-electronic items.

Chipper Day will be May 9th. Please have any yard waste piled next to the street in a pile no bigger than a mid-sized car

With the Chamber charter I want to ask Dan Mathews to take a proposal for a Community Project asking the Chamber to fund the purchase of the new street sign poles for the 25 signs along Dublin and the 1 on Glick Rds.

As a reminder:

Shawnee Hills Civic Association Annual Spaghetti Dinner Saturday May 14 from 5 – 7 pm at 36 W Mohawk

All you can eat Spaghetti, meatballs, salad, dessert (bring your own adult beverages)

Thanks to Iacono's for the donation of the meatballs and sauce. We always participate and think this is a great opportunity to meet old friends and make new friends.

I commend the Civic on this and their many other functions.

Welcome Justin Hanes as our new full time officer. Justin comes to us as a 10 year Army vet. Welcome!

### **Pro Tem Report**

Pro Tem Mathews said we sat through a meeting last week with the State Auditors. I wanted to commend Shirley, I have never sat through a meeting with the State Auditor before but it seems like we did pretty good and it seemed like mind numbing work that they actually did on it. I also wanted to commend Russ also for being the eighth in the state and received a certificate from the Ohio Collaborative Committee on community-Police Relations mandatory changes to police policy and procedures.

### **Committee Reports**

Council member Vidor said that Safety met on the 28<sup>th</sup> and they spoke with the Chamber members about cross walk flags and putting that up. We discussed police hiring progress and the full time officer program for the police, mileage logs for the unmarked cars and talked briefly about body cameras.

Mayor Monahan said we have been toying around with this Eagle Project for the Boy Scout on the website so if we don't have the next steps report and a time line then I want to throw it back to UST to come up with something.

### **Legislative Actions**

Mayor Monahan said we didn't have on the agenda Ordinance 03-2016 which was tabled at the last meeting.

It was moved by Mathews, seconded by McVan to remove from the table the third reading of Ordinance 03-2016. Following vote on the motion is recorded: yea, 5; Dalvi, Gil, Mathews, McVan and Vidor. Nay, none. Chair declared the motion passed by a 5-0 vote.

Brian Zets said that we have everything in place but he would like to have Council consider an additional condition in Section 2 and this has been completely vetted by everyone who has anything to do with this including Mark. There was a response to a question where Mr.

Burchfield was going to be adding two to four Norwegian spruces in the area where they were cutting the drainage swale to fill in where some trees were going to be removed. That meeting happened last Friday. They have agreed that they can take care of that but I would suggest that you add another condition to Section 2 just to make sure those trees are installed as well.

Larry Burchfield said that he and Mark agreed to arborvitae instead of Norwegian spruce.

It was moved by Mathews, seconded by Vidor to add the following to Section 2. That Cedarbrook Landscaping Garden and Center Inc. install two to four trees in locations acceptable and approved by the Code Enforcement Officer to provide screening of the greenhouses removed because of excavation related to the installation of the storm water drainage ditch and this

installation shall occur by May 31, 2016 or within thirty days after completion of the drainage ditch whichever occurs first. Following vote on the motion is recorded: yea, 5; Dalvi, Gil, Mathews, McVan and Vidor. Nay, none. Chair declared the motion passed by a 5-0 vote. It was moved by Dalvi, seconded by Mathews to adopt Ordinance 03-2016 as amended. Following vote on the motion is recorded: yea, 5; Dalvi, Gil, Mathews, McVan and Vidor. Nay, none. Chair declared Ordinance 03-2016 adopted by a 5-0 vote

Rob Rischel said he wanted to thank Mr. Tebbe for his efforts on this, also Mr. Zets and Mr. Katzenbach for taking the time on this.

Third Reading – Ordinance 06-2016 – An Ordinance to grant variances to the provisions of the Shawnee Hills Code Section 509.09 to allow applicant, Bogey Inn, to deviate from time and volume standards for the Memorial Tournament. It was moved by Dalvi, seconded by Mathews to adopt Ordinance 06-2016. Following vote on the motion is recorded: yea, 5; Dalvi, Gil, Mathews, McVan and Vidor. Nay, none. Chair declared Ordinance 06-2016 adopted by a 5-0 vote

Second Reading- Ordinance 08-2016- An Ordinance confirming the Mayor’s Appointment of Corey Black as a part-time Police Officer for the Village of Shawnee Hills and declaring an emergency. It was moved by Vidor, seconded by Dalvi to suspend with the third reading and declare Ordinance 08-2016 an emergency. Following vote on the motion is recorded: yea, 5; Dalvi, Gil, Mathews, McVan and Vidor. Nay, none. Chair declared the motion passed by a 5-0 vote. It was moved by Vidor, seconded by Dalvi to adopt Ordinance 08-2016 as an emergency. Following vote on the motion is recorded: yea, 5; Dalvi, Gil, Mathews, McVan and Vidor. Nay, none. Chair declared Ordinance 08-2016 adopted by a 5-0 vote

Second Reading- Resolution 04-2016 – A Resolution proclaiming the month of September 2016 as National Prostate Cancer Awareness Month

First Reading- Resolution 05-2016 – A Resolution authorizing and directing the Village Administrator and Fiscal Officer to execute an all defense agreement and release to finally settle the Calvey litigation and declaring an emergency. Mayor Monahan said this is basically saying we are not going to go back and countersue. This is about three years old and it was where somebody walking around turned their ankle in what was deemed to be a hole in the pavement. The litigation was covered by our insurance company.

It was moved by Dalvi, seconded by Mathews to suspend with the second and third readings and declare Resolution 05-2016 an emergency. Following vote on the motion is recorded: yea, 5; Dalvi, Gil, Mathews, McVan and Vidor. Nay, none. Chair declared the motion passed by a 5-0 vote. It was moved by Dalvi, seconded by McVan to adopt Resolution 05-2016 as an emergency. Following vote on the motion is recorded: yea, 5; Dalvi, Gil, Mathews, McVan and Vidor. Nay, none. Chair declared Resolution 05-2016 adopted by a 5-0 vote

First 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. Mayor Monahan said this was brought to us at the end of last year and CVS has the ability, much like Walgreen’s to sell anything forty two proof and lower, beer and wine so that is what

this is about. Council member Vidor asked what does that really gain our village by allowing this. Council member Dalvi asked why is it coming under this particular category rather than just a regular liquor license. They are trying to do this under economic development and what economic development does it have.

Council member McVan said there are only a number of liquor licenses available based on population. This is a transfer of a liquor license basically. It is an easier, simpler way to transfer a liquor license from one area to another because they are very hard to get sometimes.

Council member Dalvi said I asked this last time, what economic development does it bring. Mayor Monahan said probably from an employment standpoint from CVS, giving them the ability to compete with Walgreens and the taxation goes to Delaware County. The only thing would be the income tax from CVS to us. We did this for Walgreen's.

Larry Burchfield said he has a beer and wine license and he has what is called a territorial license. He bought it from Tag Market and paid \$50,000.00 for it because it was the last one in the area. What this is going to do is just hurt us further on our sales of beer and wine. We only make 25% on beer sales and 33% on wine and to keep liquidating the market here what are we gaining?

Mayor Monahan said we can have the CVS contact come back to us at the next meeting and answer those questions.

First Reading- Ordinance 09-2016 – An Ordinance increasing Police Chief Russell Baron's rate of pay and declaring an emergency. Mayor Monahan said Russ took over when Sean was put on paid leave and Russ has done a tremendous job and this is bringing him up to parity with what Sean was making. Council member Dalvi asked how does that change the three year agreement we put in terms of the pay scale raises. Council member Mathews said we wanted to bring him more in line to what the Police Chief was making rather than reverting back to the starting pay of a Police Chief. Council member Dalvi asked if this nullifies what was already in place. Shirley said it does because it was based on a different dollar amount. It was moved by McVan, seconded by Mathews to suspend with the second and third readings and declare Ordinance 09-2016 an emergency. Following vote on the motion is recorded: yea, 5; Dalvi, Gil, Mathews, McVan and Vidor. Nay, none. Chair declared the motion passed by a 5-0 vote. It was moved by McVan, seconded by Vidor to adopt Ordinance 09-2016 as an emergency. Following vote on the motion is recorded: yea, 5; Dalvi, Gil, Mathews, McVan and Vidor. Nay, none. Chair declared Ordinance 09-2016 adopted by a 5-0 vote

First Reading- Ordinance 10-2016 – An Ordinance creating and establishing a Board to administrator claims of the Volunteer Peace Officer's Dependents Fund (VPODF) and declaring an emergency. It was moved by Vidor, seconded by Dalvi, to suspend with the second and third readings and declare Ordinance 10-2016 as an emergency. Following vote on the motion is recorded: yea, 5; Dalvi, Gil, Mathews, McVan and Vidor. Nay, none. Chair declared the motion passed by a 5-0 vote. It was moved by Dalvi, seconded by Vidor to adopt Ordinance 10-2016 as an emergency. Following vote on the motion is recorded: yea, 5; Dalvi, Gil, Mathews, McVan and Vidor. Nay, none. Chair declared Ordinance 10-2016 adopted by a 5-0 vote

First Reading- Ordinance 11-2016 – An Ordinance confirming the Mayor’s appointment of Justin Hanes as a full-time Police Officer for the Village of Shawnee Hills and declaring an emergency. It was moved by Dalvi, seconded by McVan to suspend with the second and third reading and declare Ordinance 11-2016 an emergency. Following vote on the motion is recorded: yea, 5; Dalvi, Gil, Mathews, McVan and Vidor. Nay, none. Chair declared the motion passed by a 5-0 vote. It was moved by Dalvi, seconded by Mathews to adopt Ordinance 11-2016 as an emergency. Following vote on the motion is recorded: yea, 5; Dalvi, Gil, Mathews, McVan and Vidor. Nay, none. Chair declared Ordinance 11-2016 adopted by a 5-0 vote.

**Bills**

It was moved by Vidor, seconded by McVan to approve the bills in the amount of \$96,654.83. Following vote on the motion is recorded: yea, 5; Dalvi, Gil, Mathews, McVan and Vidor. Nay, none. Chair declared the motion passed by a 5-0 vote.

**Treasurer’s Report**

It was moved by McVan, seconded by Vidor to approve the following treasurer’s report:

General	297,156.43	Fire	78,494.35
Street	218,500.76	Weed	5,262.47
State Highway	11,922.25	TIF	23,834.14
Parks and Recreation	900.00	TIF 2	9,305.76
PD Body Armor	884.63	Veteran’s Mem.	98.97
Cont. Prof. Training	2,545.00	Sewer Oper.	54,830.13
Drug Law Enf.	200.00	Sewer Repl.	166,000.00
Indigent Drivers	385.84	Storm Sewer	3,368.55
Enfct. and Education	2,010.00	Debt Service	86,593.84
Court Computer	5,025.53	Debt Reserve	100,561.42

Total \$1,067,880.07

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

**Miscellaneous Business**

Shirley asked which two council members wanted to be on the Board for the volunteer peace officers dependent fund. Brian said you will have to serve on the Board until the end of the year then there will be reelections. Once elected to the Board you will have to have a quick meeting so we can get the full Board. It was moved by Mayor Monahan, seconded by Mathews to nominate Council members Dalvi and McVan to the Volunteer Peace Officers Dependents Fund. Following vote on the motion is recorded: yea, 5; Dalvi, Gil, Mathews, McVan and Vidor. Nay, none. Chair declared the motion passed by a 5-0 vote.

Brian said with respect to the Burchfield matters, one of the last things that need to be completed are that the easements have to be signed by the Village. He suggested that Council make a simple motion to authorize Steve to sign the easements. It was moved by Vidor, seconded by Gil to authorize Steve DeBolt to sign the easements that are necessary to effectuate the agreement.

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

**Adjournment**

There being no further business, it was moved by McVan, seconded by Gil to adjourn until April 25, 2016. Following vote on the motion is recorded: yea, 5; Dalvi, Gil, Mathews, McVan and Vidor. Nay, none. Chair declared the meeting adjourned at 7:55 p.m.

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Fiscal Officer

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Mayor