

Village of Shawnee Hills Council Meeting Minutes

April 28, 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: Administrator Ed Swanson and Solicitor Brian Zets

Mayor Monahan said that Shirley was on vacation so Council member Mathews has agreed to do the roll call.

It was moved by Dalvi, seconded by Gauldin to approve the minutes of April 28, 2014. Following vote on the motion is recorded: yea, 4 Dalvi, Gauldin, Mathews and McVan. Abstain, one Callender. Nay, none. Chair declared the motion passed by a 5-0 vote.

Mayor Monahan said you have in your packet Ordinance 12-2014 a reappropriations ordinance that was supposed to be on the agenda but it isn't and I am asking that it be moved to the next meeting because it wasn't advertised.

It was moved by Dalvi, seconded by Callender 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 he continued to work with Ed and Shirley on a public records request to Chris Tebbe made with respect to the non-winning bid calculations for the sidewalk project. We got that straightened out. He also continued to work with Mark and Ed on several zoning compliance issues that we have throughout the village right now. Worked with Ed and Shirley on a bunch of legislation either the stuff you had the last meeting or the things that are on the agenda for tonight. If you have any questions it will probably be easier to talk about them at the time they come up in the agenda.

Brian said he has been working quite a bit with the police department and Lieutenant Baron on some criminal issues. We had some arraignments at the beginning of the month and depending on how things go we might have some arraignments at the end of the month.

He talked with Ed quite a bit about the intersection project as we keep moving forward on that project and things we have to do with us working with Dublin. Ed is keeping him in the loop which is a good thing; he tries to answer any questions as best as he can on that.

Brian said there are always general questions that come up.

Brian said he totally enjoyed grilling a steak when he was not here two Monday's ago but he will gladly be here for every Monday meeting if you like but if Council decides that his attendance is not required on the first Monday meeting of the month he will talk to Shirley so that he gets the

packet of information because he does keep all that stuff because it keeps him up to speed on what is going on. You will be surprised on how many times he has to go back and reference legislation.

Mayor Monahan said we are doing this as a trial. We have had the solicitor at every one of our meetings, the second and fourth Mondays of every month and in this particular case over the next three months starting with this month we have a trial where we are going to have Brian join us at the last meeting of the month and we will see how it works.

Council member Dalvi said should we have Brian come to the first meeting of the month since we have the Chief give his report at the last meeting of the month. Mayor Monahan said we have two more months of trial so let's stick with this.

Administrator

Ed said that he met with Mr. Trembly and the Dublin engineers about the intersection and how it affected Mr. Trembly's property and the Shawnee Square Shopping Center. He is apparently okay with everything except one little sliver that he doesn't think should be taken and Dublin is reviewing that and will get back to us.

He said they also spoke with Walgreen's and they seem to be okay.

He spoke with Larry Burchfield and he had sent in a rejection of the temporary easement but it appears to just be a wording issue so it can be reworded and I think he will be okay then.

Ed said he met with the Service Committee along with Chris Tebbe and we went around and looked at all the roads in the Village and picked out all the ones that we think should be redone. There's an ordinance before Council tonight to authorize me to place this project out for bid in the amount of 82,000.00 and that is just a small fraction of what really needs done.

He said he worked on several zoning issues that Brian mentioned and went over the sidewalk contract with Chris. The contractor is still planning on starting June 1st.

Ed said he met with Jim Danes, Dan Mathews and Shirley to talk about possible grants that we can apply for. Jim is going to check into those. Ed said he also had several grants that MORPC had sent to him and Jim is going to look into those also.

Ed said he and Mahesh got together and revisited an issue we talked about several times in the past which is access to the Yacht Club and the undeveloped Powell Road easement. Ed said he did get a price on extending the road and it is about \$26,000.00. It will also require a land stewardship from the city of Columbus.

Council member Dalvi said just to get you guys updated on where we are, we still do want to get the access to the river. Our best road at this point is Old Powell Road. Originally we had planned on taking over the land and doing a swap, all that stuff that has not worked out in our favor so the idea now is we still have the road right of way there and we can create some sort of a path which is our intent and then one of the things we probably want to do today is to give Ed permission to discuss the land stewardship with the City of Columbus for that portion of land between where our line stops and Columbus begins. He asked if we need to do that by ordinance or resolution or could we just vote. Brian said you do not need legislation if he is just going to be talking to Columbus. Council member Callender said are just talking a walking path. Council member Dalvi said yes that is our intent for now. The road might be an option; the intent was to do it as a walking path for now. Mayor Monahan said first of all right now we have in our legislation that

if you build a road it has to be built to certain specifications. What we are talking about, probably back in 1989 a lot of the roads that went all the way to the river were abandoned and effectively we only really have one left and that is East Old Powell Rd. He said that E. Old Powell Road around 1911 had a bridge that ran across the river before the dam was built and the river was incredibly narrow by comparison and it flooded in 1911 and washed. Out but the road is still there. The dam was built in 1925 and obviously became much wider at that time because of the reservoir. We have no access to the river as a village and the land behind the houses along Shawnee Trail on the east side is owned by Columbus. The one big concern if we end up doing something is that we don't have people wandering through everybody's back yards. We looked at making it a park and we looked at a number of things so there's a little more to the issue. Council member Dalvi said he thinks we should go ahead with the stewardship discussion but he would also like to see a map for us to review in our Finance Committee. Mayor Monahan said he thinks the UST Committee should review this also.

Council member Callender asked if everything was going okay with the Morgan House easements. Ed said he did not know, Dublin is dealing with them.

Police Chief

Chief LeFever said one of the things he was going to hit on tonight was staffing and he brought one of our cadets with him this evening. He introduced Cadet Sally Pittinger and she has been with us for three months now. She will be graduating from Columbus State on May 14th with her degree and her academy certificate and will be joining us then as an auxiliary officer. Sally said she is very excited to be working here and meeting everybody and helping the community out.

Chief LeFever said one of our other cadets just graduated a couple of weeks ago, Cadet Williams, he works full time at the Delaware County Sheriff's Department as a corrections officer and joined us about the same time as Sally.

Chief LeFever said they had two other officers released from their field training phase last month, Officer Pizzi and Officer Marks. The way that works is, once they go through their cycle with different officers then to go to a corporal and that corporal is specifically charged with testing them and making sure they are up to speed and then they go up to the Sergeant and the Lieutenant and then they go to the Chief. They go through multiple checks and balances. The Chief said that they have had several meetings with Dublin, the Bogey and several other people in regards to the tournament planning. The traffic plan is marked and we will be putting several signs out seven to ten days prior to the tournament. We will be operating out of Shawnee Square again this year during the tournament.

The Mayor has asked to look into the intersection project in terms of traffic control but we are waiting to see who is going to be awarded the contract for this project and then we will be able to find out what they are going to do and we will have a better idea of what we can do.

Chief LeFever said he attended an active shooter/active threat instructor training a couple of weeks ago. It's unique in the sense that it is one of the few programs recognized by state and local government as well as the federal government and the FBI. This training is not just geared towards the police officer's response to an active threat or active shooting whether it be in a school or church or a shopping mall. It deals with the civilian response to an active shooter, what they should and shouldn't do and what to watch out for, know what's going on and being aware of your surroundings. It is a really good program and he is probably going to offer a class to the

public here in the village somewhere. He said this program is all federally funded. There is no cost to run it, there is no cost for materials, there is no cost to host it and most importantly no cost for people to attend.

Chief LeFever said that Officer Ethan Lirtzman, who has been with us for several years had a battle with cancer a few years ago, his wife, a Columbus police officer, is now battling Stage 4 terminal cancer. He sent out an email to the Mayor and Council members today about a benefit for her that is being sponsored by Get Behind the Badge, which is a law enforcement support group, a non-charitable organization that puts things together for families in situations like this and he just wanted to make sure everyone received this information.

He said they are working on several criminal cases right now. They have been pretty busy working some large cases. He will update Council as soon as he can.

Visitors

Mayor Monahan said we have a second reading coming up on Ordinance 06-2014 and Steve Smith is here to talk about that.

Steve said he is a little bit alarmed with the first reading because he did not see it online and he just heard about it through the grapevine and that is why he is here tonight to discuss it.

Brian said if someone has a comment about the legislation shouldn't it really occur during the public meeting portion of that discussion. Mayor Monahan said we can and Steve, let's do this, if you can just kind of give an overview and then when we go through the legislation speak at that time, is that okay with you. Steve said that's fine. Mayor Monahan said this will give you a chance to read the legislation also. Steve said do you want me to give an overview now or later. Mayor Monahan said what you are representing and who you are representing and effectively during the thing we will go to comments.

Steve Smith gave his name and said he was a realtor here in Shawnee Hills and has an office at 9280 Dublin Road. He said he is here tonight on behalf of Tara and Scott Staron who are in contract to buy a lot from Yvonne Clippinger on Parkside and Wyandotte. We have had that contract in place for over a month and we are concerned that there is current code enforcement trying to be put in place that will hurt their contract. Mayor Monahan asked Steve to take the time to read the proposed legislation and then they could talk more about it during the public hearing on the legislation.

Mayor Monahan welcomed Boy Scout Troop 117.

Communications

Mayor Monahan gave the following report:

Are all Council members getting the email bulletins from The Delaware General Health District? I receive them and can forward them allot of reporting on the Mumps outbreak.

Also I do believe everyone receives The Delaware General Health District Newsletter correct?

Mayor's Report

Mayor Monahan gave the following report:

I would like to remind everyone that Tuesday May 6 is Election Day so please remember to vote. Besides being Primary Day there is also a Delaware Health Renewal levy on the ballot and there is no increase it is a renewal.

Just a reminder the 2nd Council meeting in May would fall on Memorial Day so there is no scheduled Council mtg. If there is a special mtg. need please let Dan or me know and 3 of you or I can call one.

Pro Tem Report

Pro Tem Mathews said we are starting a Business and Economic Development Committee. Council member Dalvi will chair this committee and it is a joint effort between residents and Council. Pro Tem Mathews said the two residents that make up this committee are Chris Anderson and Louis Capobianco along with himself and Council member Dalvi. The residents have a background in marketing so we are exploring some ideas on what we can do to brand the village and expand economically. Pro Tem Mathews said that we are putting this committee in place for the remainder of 2014 and we will look at extending it into the next year if necessary. Mayor Monahan said he also attended this first meeting.

Pro Tem Mathews said he talked to Jenna Jackson about a playground grant and it is still available. Jenna said the time frame would not necessarily be available for the time frame we are working with so when we talked in Finance Shirley said that we could use the TIF 1 money for the purchase of the playground. The grant money, because of when it is available, they will consider that we matched the cost of the playground, the Memorial Park they would in turn then possible pay for it if we happen to win the grant. They said it is very positive since we received the grant in the past for the ADA walkway we can kind of piggyback on that. We won't hear until late summer when they are doing that. We will hear probably within the next two months if we have been selected for them to write the grant to the state in order for us to receive the funds. Council member Dalvi said we have discussed before that we would make allocations for the budget, we had pulled a couple of items out so now that we have clarity on this one as well as the street funds and the sidewalks, in our next meeting we will be presenting the second half of where we are and how we are going to be allocating the money.

Council member Gauldin asked Brian if the Branding Committee had to be approved by a motion of Council. Brian said yes, that is how we set up the other one. It was moved by Mathews, second by Gauldin to create a committee, a joint effort of Council and residents to be called the Branding and Economic Development Committee for the remainder of 2014. Participants will be Mahesh Dalvi, Dan Mathews, Chris Anderson and Louis Capobianco. 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.

Committee Reports

Council member Callender said the UST Committee met and they basically went and looked at the street to determine what areas needed to be repaired this year and our Engineer Chris Tebbe provided the cost estimates for these areas so we can determine what we can do with the money we have this year. Mayor Monahan said we know that over the past few years we have gotten less money coming from the State on these types of things and with the growth in the Village it may be appropriate between Finance and Service to look at another source of income whether it be a certain percentage of court fines, a certain percentage of income tax money, something because if you had to draw a circle around it you probably would say each year we should do about a \$110,000.00 worth of work and we have been doing about \$80,000.00.

Finance

Council member Dalvi said that Finance did meet and we discussed a couple of items. One was the sidewalk project and we had allocated some amount of money and the bids came out differently but luckily we are able to make some allocations. Now one thing we did mention is that we do want to keep it under tight watch, tight control, we don't want to go over on the cost. He said the other discussion we had is as we start into the second half and most likely into the next year we will start looking at what should be our prioritization in terms of what we carry over every year. If you look at our line item funds there are certain things we seem to carry over. We don't know whether it is 80% or 20% what are the options and those are the discussions that are going on. Our objective is to make sure some of the debt payments we have get prioritized. Last year was an anomaly in terms of our trends because we spent quite a bit so this year we are going to see how it comes out and then hopefully next year we will get into much more of a stable state in terms of our run rate both on the first half and second half of the year. He said that Finance will be presenting a resolution to have a so called rainy day fund to start in January of 2015.

Safety

Council member Mathews said that the Chief covered most of what they talked about. They talked about criminal cases as much as we could, the digital speed limit signs, and the Memorial traffic.

Legislative Actions

Second Reading- Resolution 03-2014 – A Resolution authorizing the Village Administrator to sign the agreement adopting the Delaware County Multi- Hazard Mitigation Plan and declaring an emergency. Mayor Monahan said the Director came and talked to us about this at our last meeting and he is asking that it be passed as an emergency so he can gather all the signatures in a timely manner. It was moved by Dalvi, seconded by Gauldin to amend Resolution 03-2014 by declaring it an emergency measure. 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 suspend with the third reading and declare amended Resolution 03-2014 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. It was moved by Dalvi, seconded by McVan to adopt amended Resolution 03-2014. Following vote on the motion is recorded: yea, 5; Callender, Dalvi, Gauldin, Mathews and McVan. Nay, none. Chair declared Resolution 03-2014 passed by a 5-0 vote.

Second 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.

Mayor Monahan asked Brian to explain the proposed amendments in regards to Ordinance 06-2014. Brian said the only difference from what you had last time and when I talked to Shirley the question from Council was who was going to be responsible for reviewing this and that is really the only amendment. Before it said orientation should be confirmed before preliminary designs are prepared, now, if you decide to amend it, it will say orientation must be confirmed with the Code Enforcement Officer before preliminary designs are prepared. So we gave that

responsibility to Mark in this situation. He said if you want you can also change this to be an emergency. Council member Dalvi said that it was discussed that we would make it an emergency as long as Jim's concerns were resolved. It was moved by Dalvi, seconded by Mathews to adopt the amendments to Ordinance 06-2014. Following vote on the motion is recorded: Yea, 4; Callender, Dalvi, Mathews and McVan. Abstain, one; Gauldin. Nay, none. Chair declared the motion passed by a 5-0 vote.

Second 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 and declaring an emergency.

Steve Smith said he can't understand the emergency ordinance, it seems like you are driving a block up, a contract was already in place before this ordinance was created. He said he is here on behalf of the Staron's and the Clippinger client, who lived in the village for years and served on this Council as well. The building lot we proposed was to face Parkside and the reason we chose facing that way was because there are other houses facing that street. The lot would be best built that way economically and for the aesthetics of the Village. One of our biggest issues is the safety of Wyandotte. I would think less traffic on Wyandotte Street getting off the highway and actually back on to the highway, this would encumber the homeowners to have to use that Wyandotte Street and the only safe exit would be to go back around to Parkside and exit up near Hella's. We feel that's definitely putting them in a bad position. We spoke to homeowners that would be directly affected with the back of the property facing Wyandotte, no one there has any issue with it, matter of fact I have a note from one of the homeowners stating that it was a safety hazard as well. Those were her own words because they know how dangerous it is to get out on that street. The other issue we have is there is a fourteen foot elevation change from Parkside to Wyandotte, from street to street. The house would need to be built above the roadway, at least two feet above roadway, therefore if we were to build the house facing Wyandotte, per your code, there is no driveway to be above an eight percent pitch to go to a driveway. This would be over ten and with the van and the house being higher it probably would be higher than ten, so your current code will restrict this lot from being built on that direction. The other point is the homeowner, the architect, and the builder have already spent quite a bit of money drawing up blueprints and plans for the proposed lot from Parkside. That's why they picked this lot, they want to be good stewards of the village. They know that their property is going to be seen from 360 degrees in every direction and they are spending extra money to aesthetically make that property look good with extra trim. It does have eight lots so we shouldn't have any issues with the twenty percent coverage that the village requires. The blueprints are here tonight if anyone wants to look at them. Steve said this would cost the homeowner extra money to change the blueprints and the bottom of the house facing Wyandotte really the footer would be out of the ground so you would have to build a bi-level looking home. I don't think this particular buyer would move forward with the purchase of the property if the direction would have to be changed. The approximate property value, this is going to be around a \$375,000.00 home. This builder just built one on E. Old Powell. It's a beautiful home. I think this is going to bring extra tax base to the village which is what we are looking for, or at least I think we are looking for and there are multiple examples of properties facing different directions throughout the Village and I think that is what makes this village attractive to people. They do not want to live in a cookie cutter neighborhood, where every house looks the same, they are all facing the same direction. He said this lot has an elevation working for what they want to do with a camper to put in underneath the

house inside a garage so it is not sitting out and becoming an eyesore for their neighbors. They are going to spend an extra \$20,000.00 just to do that. You cannot do that with the back of the house from Parkside, it's just not feasible. The height and elevation would not work for them. We feel that this is something that has already been in motion and it should be excused or minus from any code that moves forward and this seller shouldn't be encumbered and lose a potential buyer who is willing to pay top dollar for a lot in the village and potentially end up costing them thousands of dollars.

Council member Dalvi asked to see the blueprints.

Ed Swanson said the house is a nice house; don't get wrong I am not here to rain on anybody's parade. I am looking out for the village and Steve and I have had this conversation. He said let me start out by saying this is not brought up to block their house. There are two houses involved in this. Two people have come to the office here and talked to Shirley and Mark about houses facing what I consider to be the wrong way, houses facing on the same street the opposite way. There are a handful of locations in the village where houses face opposite ways. Most every house in here faces the same way just like it does everywhere. The first person that came in and talked to Shirley and Mark and she mentioned it to me and part of the reason it got her attention is it is near her house, not that that should matter, she said here is another house that someone wants to put in backwards. Ed said he told her to talk to Brian about it so she did. Then along came Steve a little later, shortly after that with another house, now there are two of them. So when Shirley asked Brian for his opinion he said it is already in the code, you can say it can be one way or the other there is discretion in the code right now. You don't have to pass this you can just say no. Ed asked Brian if that was correct. Brian said when plans are going to be approved, you see it all the time in lots of different places where certain restrictions or you sort of get that situation where things are asked for by the board or committee in order to pass things whether it is landscaping, orientation, driveway locations to the people who are in charge of passing the plans deem it in the best interest. Brian said another thing he really wants Council to know is that this legislation is not geared towards their house so looking at the plans is good, it's probably a great looking house, it has nothing to do with this house, this is village wide. This goes into effect then every homeowner can seek a variance and say I believe for all the reasons they might have listed and say I should not have to follow this and I should be able to flip the orientation of my house. Brian said this is just a general principle so you should not vote on this based on this house. You should vote on this legislation based upon a village wide principle. Council member Dalvi said when we discussed this last time we did not discuss this house, it was based on a general rule that was needed for the village. We want to make sure since you were not here, this discussion was not around this particular house. This is the first time we are hearing this about the house. It was primarily around; we have other issues like the driveways, the sheds, and everything else.

Ed said that the code already says that houses must face the same way on the street. This is just making it a little more explicit, that is why we are writing this.

Brian said I think there is that inherent ability of the Planning Commission or BZA to ask for this requirement. This code section, we had it read the first time at the last meeting, it specifically spelled it out, the front façade has to face the same direction as the homes on the street and then this amendment clarifies that Mark will be in charge of making those decisions. Brian said if that decision is made and the property owner doesn't like it then they it can go to an appeal or they can just flat out ask for a variance. The inherent ability I think we have it and we have always

had it, this just spells it out better. Brian said this is village wide it has nothing to do with any particular property.

Ed said so going back, Steve, in the meantime we discussed this and we talked about it and Steve brought some paperwork in the next day. He met me at the door about 7:30, 8:00 and he handed me a print of a house. He said he was here the afternoon before but no one was in the office. What we have right now is just a print of the house. They have not filled out an application and that has been expressed that that has to be done to start the process. Steve said that is why he brought the plans up the next day. Ed said that is just a part of it. Ed said he talked to Chris Tebbe about this and Chris went over and looked at the lot with their prints and he wrote the following back to Ed: Based on the attached preliminary plot plan and the preliminary house plans that were received by the Village, it would appear that this house could be oriented towards either Wyandotte Drive or East Parkside Drive. In order to accommodate either orientation of this house, on this lot, the plans will require minor modifications (including grading). Ed said he doesn't mind a house being built in the opposite direction if it is for the right reasons. He said he knows it is easier to build a house that way, he has done enough building himself and it would have been much easier and cost effective if he could have faced the house the other way but he faced it the same way as the other houses because of the impact it would have on the neighbors. As far as the safety issue, everyone here I think for the most part knows that's a bad intersection and they do go out a different way currently. Ed said I don't think we should make a decision on this one house, this is village wide, if they want to ask for a variance that's a different story. Council member Dalvi said correct.

Mayor Monahan said to Brian that you said in our current code could say no you have to build it in a certain direction, right.

Brian said I think we have the inherent ability to be able to make those types of recommendations whether it is from the Planning Commission, ABR. This just makes it clear so everyone knows exactly; it fits nicely in the code to include the language there.

Mayor Monahan said so if the folks were to say they want to build it this way, they have to go after a variance, without this proposed legislation. Brian said he does not know if they need a variance or if Mark said no they could just appeal his decision.

Mayor Monahan said he does not disagree with Ed, one of the things we have passed is that if I had my house one way and the others are the opposite way are you going to put a shed in my front yard. There's a lot of ifs and buts. The only thing I have a real problem with is the timing of it because he does not like us doing something that maybe we need to take a little time on. He is going to leave that up to Council. His whole problem is the timing of the emergency.

Steve asked Ed if anyone that complained to him was a resident of that street. Ed said actually it is two streets, it affects Wyandotte and Parkside. Steve asked if that was Shirley. Ed said she is one of them. Steve said I hope she abstains from voting. Ed said she does not vote anyway. Steve said it says her from preliminary, we have to do a complete submittal of blueprints and plot plans and spend extra money to get turned down, this does not allow us to do any kind of preliminary drawings. Brian said he does not think that is true at all. I think it is like any development that anyone ever wants to do whether it is residential or commercial, we always encourage applicants to come in and talk with the village, to have these initial conversations, whether you are rezoning property, whether you are building something, to open up these lines of communication so you have some idea, which direction should my house be oriented, I am thinking about rezoning to this what do you think about that, whether or not we can give advice, we try to if we can. I think if you would have come in and say I want to build a house at this address and I want it to face

this way, Mark would point the person to the code section and say here are the things you have to think about. This is your lot coverage; here is the orientation and those things I think all happen in meetings where we encourage before you ever spend a dollar on architect or engineer. Steve said they came in and tried to present that information and it wasn't accepted because it wasn't a complete package. We put the sign out marketing the property from Parkside. That was our intent and I also want to mention that the true face of the property at 55 Wyandotte faces Dublin Road and there is an abandoned driveway that was on the other side, Parkside, for that property. He has pictures of the culverts and the old concrete that is there so when they deleted the garage they turned it into a room and a porch and they put the driveway in on the other side so originally that property did come in from the other side from his understanding.

Brian said again, we are not focused on this property. Steve said I am focused on this property. Brian said I understand but Council you are not focused on this property, you are focused on the legislation. Council member Dalvi said yeah. Steve said I do not think this is going to come up again and again, there are not that many lots left in the village and I think you are going to miss out on a great resident and a great builder that is going to bring lots of tax dollars to your village so if anyone wants to see the photos that I have taken I will be glad to show them to you.

Council member Callender said what I think I am hearing is if this doesn't pass our current ordinance will allow them to orient the way they want to.

Brian said I think this makes it much more clearer. I think the proper decision making body still could require that the orientation be in a certain direction with our current code. Council member Callender said if this does pass than it is 100% that they would not be able to orient it the way they want without a variance. Brian said correct.

It was moved by Dalvi to suspend with the rules and declare Ordinance 06-2014 an emergency. No second was given.

Council member Dalvi asked if they will have the opportunity to follow the process. Ed said if they want to. Council member Dalvi said so now you follow the process.

Mr. Staron said thank you for your time. Our intent was not to make this specific ordinance about our house or our potential home. I think our intent was just to come and get the full facts so that we can inform our decisions as your obligation is to protect the interest of the village and I respect that. I felt like it was our obligation to follow the process, that way we could protect our financial interest. Again, it was not our intent to make this about our specific house. We love the village and we love the possibility of being residents here so we just wanted to make sure we had all the facts and as we proceed forward, from what I heard, it sounds like, with this ordinance I understand the BZA can step in and say no we don't want this orientation and not approve our plans, I can respect that, again, I just wanted to make sure we had all the information.

Mayor Monahan said we appreciate you coming and that's what it is here for. This isn't about your house and to the point we were discussing if you drive up and down a couple of streets this should have been done a number of years ago and one of the anomalies that we have in this village I believe there are only two places in this village where you have back to back houses because if we were laying out this village 100 years ago Dublin Road would have gone that way

at least 100 yards and the streets were designed this way because it was the hunting and fishing camping grounds so it was designed so that you could back a trailer in so essentially you would make the streets further apart and we would not have as much street work to do and we would not have the orientation of back to houses.

Second 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

Second Reading- Ordinance 08-2014 – An Ordinance Amending Section 1121.13 (Site Plan) of the Codified Ordinances of the Village of Shawnee Hills.

Second 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.

Council member Gauldin said on this next Ordinance as we go through it I would like Council to consider placing the verbiage: nonresidential into this legislation. The reason being I want to be very careful about how we interact with our residents when it comes to this specific issue. I do not think it is right that if a resident, on their own personal property, any kind of issues they have with their personal property should be maybe held to a standard that either individuals walking across their property. He said let me rephrase this as I try to put this together. I think when we look at a business in a nonresidential lot I think there are different types of foot traffic and regular traffic on those lots and I also feel like there is a difference between personal property issues and business property issues and that being said I believe that the verbiage nonresidential should be added in there at this point. Council member Dalvi said what is it today residential? Brian said this is an amendment to 1307.07 the Blight Ordinance section. Just to say something with respect to Jim's comment the Blight Ordinance affects everything, all properties so you currently have in place regulations to help control blight of residential property. What this section was intended to do is to specifically address driveways and parking lots. I don't think that was very clear the way we originally drafted it several years ago and it has come up that maybe the language needs to be changed a little bit to be more specific. This amendment specifically says: it will be kept free from deterioration of blighting influences so you are still talking about blight whether it is residential or commercial. Council member Dalvi asked why is it part of the blight ordinance? Brian said that is where it should be. Council member Mathews said so if we add Council member Gauldin's nonresidential does that mean that there is no blight ordinance anymore against the residents. Mayor Monahan said as it pertains to steps, walkways and driveways. Brian said correct, yes. If you add the language that Council member Gauldin is asking then it will just become commercial. You will still have the blight ordinance but 1307.07 according to this will not ever apply to a residential property. Mayor Monahan said the main thing behind this was we really don't have any teeth that if you drive into a parking lot and it looks like a mine field to make sure that people keep their parking lots and driveways correct so Council member Gauldin's request is that it applies to commercial.

Ed said he talked to Council member Gauldin and Brian about this briefly and it still comes down to the discretion of the Code Enforcement Officer. Council member Callender said on a residential driveway, your own driveway on your own property, if you let it deteriorate it is going to tear up your car, and anybody in your family's car, but if you have deterioration in a

public driveway then in his opinion that is totally different. Ed said that's the blight, it affects the value of the house next door and we are not going to run after anybody, we don't do that now. I think we need to believe in our code enforcement officer and this office. Mayor Monahan said but if we were to pass it with what Council member Gauldin suggested as it applies to driveways, walks and steps in nonresidential we can always come back later and amend this. Council member Gauldin said you could and I am not against that. Brian said the way it currently read is: all steps, paths, walkways, porches, drives, parking lots, and parking areas shall be so constructed and maintained as to ensure safety and shall be kept free from deterioration of blighting ordinances. When we took a look at this and I talked with the Mayor and Ed a lot about this before it came to Council is the idea that the way it was drafted is more of a safety issue, it is in the blight code, but the way it was originally drafted it's more of a safety issue and the concern is how do you really enforce it. How many chuckholes are safety issues, you get into this area where it will be more difficult but not impossible to enforce so what we did is I took a look around and I will be honest exactly how this came up I got a call from Gahanna's zoning guy one day about a question that had to do with a parking lot and asked him how they enforce the paving of parking lots and things and they said they have this code section and what you have here isn't exactly what Gahanna does but lots of places have these ordinances that require driveways and parking lots to be paved and not be blighting and this is what we determined to be a better way than what we have now to try and enforce that. Council member Callender asked if that was for their residential areas. Brian said it is for everybody. Council member Dalvi said we as the Council need to decide whether we want to enable our code enforcement or not. If we keep on changing rules in terms of what we do I don't think we are enabling our code enforcement with what they should have so my question is we need to think in terms of what they need, what tools they need. It is up to them from a decision perspective how to use the tools but from a Council perspective we should think in terms of what tools do they need. Mayor Monahan said I do not disagree with you but what I would come back and say that if you made it to be business, what I don't want to do is one of the things and Ed gets tired of hearing me say this, you have to treat everybody the same. What I don't want to do is discretionarily we don't go after Steve's steps but we go after your steps. From a business stand point I fully understand it. Council member Dalvi said business is one category and residents are another and I understand that but I am just saying we need to give some tools and I am fine with just making it business but we need to make sure our code enforcement has the tools. Mayor Monahan said I think we have enough from a residential standpoint. Brian said I think you would go after the residential as well. If it is truly blighting, you passed the blight ordinance in 2009 to help control blight so if you had a residential property that was all beat up they are going to be cited. He said if the steps were deteriorated they should be cited as well. Council member Callender said or could be. Council member Dalvi said that is what he is saying is that is a tool they have now whether they want to use it or how they use it is up to them but I think this is where the judgment happens, you have to be fair and consistent, you can't choose one or the other. It was moved by Gauldin to amend Ordinance 11-2014 to say nonresidential. No second was given.

Second Reading- Ordinance 11-2014 – An Ordinance amending Section 1307.07 (Steps, Walks, and Driveways) of the Codified Ordinances of the Village of Shawnee Hills and declaring an emergency. It was moved by Dalvi, seconded by Callender to suspend with the third reading and declare Ordinance 11-2014 an emergency. Following vote on the motion is recorded: yea, 4;

Callender, Dalvi, McVan and Mathews. Nay, one: Gauldin. Chair declared the motion failed by a 4-1 vote and this will count as a second reading.

First Reading- Ordinance 13-2014 – An Ordinance to authorize the Administrator and Pomeroy & Associates Ltd. to issue a competitive bid package related to the paving project for the Village of Shawnee Hills, Ohio and declaring an emergency. Mayor Monahan said everybody understands that we try to do this so we are not paving in the middle of November. It was moved by Dalvi, seconded by Callender to suspend with the second and third reading and pass Ordinance 13-2014 as an emergency. Following vote on the motion is recorded: yea, 5; Callender, Dalvi, Gauldin, McVan and Mathews. Nay, none. Chair declared the motion passed by a 5-0 vote. It was moved by Callender, seconded by Gauldin to adopt Ordinance 13-2014 as an emergency. Following vote on the motion is recorded: yea, 5; Callender, Dalvi, Gauldin, Mathews and McVan. Nay, none. Chair declared Ordinance 13-2014 passed by a 5-0 vote.

Bills

It was moved by Callender, seconded by McVan to pay the bills in the amount of \$56,931.66. 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.

Treasurer's Report

It was moved by Dalvi, seconded by Gauldin to approve the following treasurer's report: General Fund 238,805.95, Street Fund 60,581.35, State Highway Fund 6,602.25, Drug Law Enforcement Fund 627.00, Indigent Driver's Interlock Fund 350.00, Enforcement and Education Fund 1,985.00, Mayor's Court Computer Fund 9,156.05, Fire Fund 125,059.61, Weed Fund 12,540.97, 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 36,441.81, Sewer Replacement Fund 126,000.00, Storm Sewer Fund 3,274.01, Enterprise Debt Service Fund 91,840.86 and Enterprise Debt Service Reserve Fund 99,215.40 for a total of \$1,110,229.05. 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 Gauldin, seconded by Mathews to break for ten minutes. 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 Mathews, seconded by Gauldin to reconvene. 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.

Executive Session

It was moved by Mathews, seconded by Gauldin to adjourn to executive session to discuss pending or imminent litigation. 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 Mathews, seconded by McVan to reconvene from executive session. 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.

Adjournment

There being no further business, it was moved by Dalvi, seconded by McVan to adjourn until May 12, 2014. Following vote on the motion is recorded: yea, 5; Callender, Dalvi, Gauldin, Mathews and McVan. Nay, none. Chair declared the meeting adjourned at 8:58 p.m.

Fiscal Officer

Mayor