

Village of Shawnee Hills Council Meeting Minutes

May 9, 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

Also Present: Fiscal Officer Shirley Roskoski and Solicitor Brian Zets

Minutes

It was moved by Gauldin, seconded by McVan to approve the minutes from April 25, 2016 with the following amendments: on page four put a space between the words *with* and 35 and a space between *if* and *there*. On page eleven capitalize the name Robin. 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 was at Mayor's Court on the 27th. He said all the easements have been filed in regards to the Cedarbrook drainage and everything should be completed before the next council meeting.

Brian said he worked with Shirley on updating the policy manual to include a travel policy for mileage and expenses and things that will be associated with village employees because we realized we don't have one on the books for the employees.

He said just other miscellaneous things, questions with Shirley or with Mark.

Brian said one question was asked previously. . There are some issues with respect to meetings and participation and things. I would like to remind Council and this actually came up in Pataskala recently also. That is public meetings like this one or a BZA meeting or any other meeting, people have the right to attend the meetings but the right is really to attend and watch. There are periods where there are comments and those are comments from people, usually not questions and answers, if things need to be done because of a result of a comment that action can be taken later. The same thing would be true with a Planning and Zoning Commission or your BZA meetings where you actually have a right to attend unless you specifically have a right to participate; you have nothing more than the ability to watch. I heard this too. People liken it to a business meeting. This is the Village's business meeting. Everybody shows up and they get to

watch all the excitement here, so it's always a good thing to liken it to something like that so you get a better understanding.

Council member Mathews said the he and Russ went to a meeting at the Delaware County Law Enforcement Executive Board and they were discussing a Council of Governments and he asked Brian if he had any opinion on COG's.

Brian said no. He said he does not know what it is being set up as or what it is doing so that is why he really can't have an opinion.

Council member Mathews said this was more along the lines of the police and the whole idea was this could branch into other areas. This was shared services and it goes further than that. It could be a whole litany of things. He said he talked with Steve Smith, Dublin's attorney, and said from the sounds of it, it sounds like a great idea for us because we are so small but I wonder what's in it for Dublin or Westerville, the larger cities. Brian said I am sure there is something in it for everybody who decides to enter into it especially if they will be sharing services and things.

Village Administrator

Steve DeBolt gave the following report:

The question was raised at the last Council meeting about the possibility of connecting the proposed development at Shawnee Trace with Buckeye Dr. The Village Engineer, Chris Tebbe reviewed the issue and concluded that there is no practical route to connect Buckeye Drive to Westview Dr. due to a number of factors. Foremost is that the current layout of buildings, houses and a pond on an adjoining property (owned by Mr. Baker) along with drainage issues would prohibit a direct connection. In addition, along with these considerations is the fact that there are issues with the right of way, the need for easements and an approval from Concord Township which might prove to be a challenging. That being said, he would be happy to review any specific route brought forward.

The issue of providing broadband to provide internet access in the Village was also raised at the last Council meeting and an initiative by Dublin was mentioned by a resident. I contacted the City of Dublin and they do not currently have an initiative in this regard. However, they would not rule it out in the future and I asked to keep me in the loop if they do pursue it. I will be meeting with the Dublin Village Manager on Tuesday and will discuss it. I am also doing some initial research and it may be an expensive initiative to take on for a community of this size on our own.

I would like to recommend we hire Kirkham Building System, Inc. to construct the pavilion at the SH park. They provided a very competitive price (\$18,475) of six contractors I contacted and we would have sufficient funds available to purchase tables and grills within the amount Council has authorized. The building will be 18' x 24', have cement flooring, lights and electric, green metal roof, a covered inside ceiling and no gutters. Construction would be anticipated in June depending assuming approval from the county is achieved in a timely manner with current approval running at about 21 days. We have enough funds in the TIF account to pay for the pavilion.

Council member Gauldin asked where this was going to be located. Steve said it will be on the lower end to the right of the swing set. In the same location that was on the site plan.

Councilmember Gauldin asked if that was ADA accessible. I thought we were putting it up closer to the parking lot where it was ADA accessible. Steve said Chris did mention that to me also. Council member Gauldin said I am kind of curious why we picked where we picked then. Mayor Monahan said the whole sidewalk is ADA. Steve said we were talking about utilizing the engraved bricks that we have on the north side of the building so there wouldn't be a limit for anybody handicapped if we do that. We can make it happen.

Councilmember Gauldin said there was a question about how far away from the parking space it was going to be. Steve said he did not hear anything about the distance. ADA is about making things accessible so there is a sidewalk there and they do not have to go through the grass or gravel to get to it. We will make it that way.

Mayor Monahan said that entire sidewalk was put in on an ADA grant.

Council member Gauldin said he had a resident in the village ask me. They said you know somebody in a wheelchair, if you think about having to go from that parking lot down and then have to go back up it just seemed like a lot of work so the question was why not put it close to the parking lot where those residents that might be concerned with that can easily access it. So I wanted to bring that to Council.

Council member Gil said I just heard about this pavilion two weeks ago and I wonder whose idea was this and how did it come about. I know Jim talked about it a little bit. Steve said my understanding is it was in the plan for the park because it is on the site plan over a period of time in the past. It's been out there that it's been something that the village has wanted to do and they commissioned me to start looking at prices. As a matter of fact this was by far the lowest price and when I went to the finance committee I didn't think we could build it for what we had allocated so I said let's go to this amount so we can get it done. These guys came in lower than that so what that means is we won't have a problem getting picnic tables and any other little bells and whistles.

Council member Mathews said it has been discussed for at least two years.

Council member Gauldin said Yvonne Clippinger brought it up when I was on council some years ago and when we were planning the park we talked multiple times about it and when can we make it happen.

Steve said the last two communities I've been in that was one of my first tasks assigned so why would this be any different.

Shirley and I met with our Bond Counsel, Dennis Schwallie, regarding the possibility of refinancing our USDA loan which is currently approximately \$1.4 million. He thinks the Village may be able to get a lower interest rate than the 4.75% we are currently paying and will do some initial research. We have 25 years left on the original 40 year loan.

The work to rectify the drainage area around Glick Rd. was completed last week. However, upon inspection Chris Tebbe and I felt that some additional minor grading work still needs to be done to insure the proper water flow in the area and the contractor has been notified. Osage Drive was provided and new layer of gravel last week with additional gravel placed in the few noticeable potholes.

The Bid opening is on May 20 for both the paving project and the water line improvement project.

ODOT has agreed to pave the culvert dip on SR 745 on the north end of the Village that has been the subject of a complaint by an non-resident. He has been notified and appreciates our efforts. Mark reports that a Medical facility is being planned for the building (formerly John Piccin's) near where Aspen Energy was located.

Mark has a signed agreement from a property owner on Shawnee Dr. for repairs starting in two weeks. The home had fire damage.

We have created a work order form that Shirley or I can process for jobs for Mark and/or Richard to undertake outside of their regular tasks.

The new signs for Village events are completed and in use. The truck also has signage on it now.

Dumpster day was successful with three bins being loaded full.

Chipper Day pick-up was postponed a day due to the weather.

I will be meeting with the City Manager of Dublin on Tuesday if anyone has an issue for discussion.

I have been meeting with each staff member individually and the last one I met with was Richard. He does a good job for the village and it is hard to find somebody that is on an as needed basis to do that type of work. He has other jobs that he does so we have some issues to work out but I think he is definitely worthy to continue with the village and he would like to do that so I would like to renew his contract. I will bring forth legislation at the next meeting for this.

Council member Gauldin said in regards to the pavilion, in Finance we really worked hard on this number and one of the challenges we set out there was how can we make it work but make it cheaper and I think you did a pretty good job at that.

Steve said the one thing he didn't put in was the fans. Those are cheap enough that you can always add it later. My experience and other people that I talked to is that fans don't add a whole lot, maybe in the south, but up here not so much.

Police Chief Report

Chief Baron said tomorrow at 4:00 p.m. the PD will not have phones or internet at their office. We have to rewire a few things and this should take a couple of hours. The WiFi we had previously wasn't strong enough so we had to order some new parts. One thing we did as part of the WiFi, as soon as the pavilion is built, what we purchased we will be able to expand on so if we decide to put WiFi in the park it's going to be a smaller cost than what we initially thought. We have a panel interview this Wednesday with two applicant's I am looking to hire an auxiliary officer in June and one in July. I am still looking for a council member and a resident to sit in on the panel.

In regards to the Council of Governments, Dan and I met with all the police agency heads and council members, or solicitors, pretty much all the agencies in Delaware County and some adjacent. What they are looking to do is form a Council of Governments or shared services agreement. We are not sure what angle we are going to take yet. We currently have a mutual aid in place which covers us helping each other. What it doesn't cover is maintaining the firing range, maintaining the tactical equipment, maintaining the dive equipment, things that we utilize here in the village. We are trying to come to a solution as to what suits everyone best so that no one is out in the cold and on the other end no one is bearing the entire brunt of that cost like the Sheriff's office is now and then the individual agencies that participate in that bear the brunt of the cost so they are looking at spreading it out. A couple of options that came up were the shared services, Council of Government and then there was a: if you don't want to participate then you pay to play. You will get a bill when you use the dive team; you get a bill when you use the tactical team and that can get quite pricey. We are looking into that, nothing is going to happen this year, probably next year, and this will also give grant power to everybody. What we are seeing more of is that collaboration with other agencies, agencies that go in together for a grant are more likely to get funded than a single agency so there are a lot of pluses and there are some minuses.

Council member Gil thanked the Chief for his help on Sunday. He said on Sunday Warren Miller approached me and somebody was doing something illegal at the dumpster so I emailed the Chief and I guess he sent someone over. Chief Baron said I sent someone over to check it out, I don't know what happened after that.

Mayor Monahan asked the Boy Scout that was present to stand up and introduce himself.

Roman Nyquist said he is with Troop 117 and he is working on a merit badge and a first class rank for boy scouts.

Visitors

Carol Kender, 148 W. Mohawk Drive. She said last fall I met with Chris Tebbe and we did a survey of the storm drain problems in the village. Chris presented a very comprehensive report and I am kind of disappointed that nothing seems to have happened except for the swale behind Larry's place. Do we have any plans for getting this thing moving forward?

Council member Mathews said I am going on recollection here. Most of that report detailed residents that needed to keep their ditches clear.

Carol said he and I talked about it and he said that a lot of the things that have happened over the years is people move in and don't realize that they have a storm drain out there and they fill it in. It's not their fault. I would suggest that the village look into just getting somebody to go around and dig out some of these ditches.

Mayor Monahan said or should we put something out telling the residents to dig out what they filled in. Here's the thing, number one, the biggest issue was the drainage going out to Glick Road and that has been taken care of. I have asked UST to take a look at the drainage and see if it would help to open some of the ditches in the village. When the sewer went in they did not reopen those and I also ask for the dirty dozen list so that we can apply for grant money to do the drainage work.

Carol said I don't disagree with any of that. What I disagree with is making the people that moved in, their expense, when they didn't know that there was something wrong. It should have been somewhere along the line somebody from code enforcement or somebody should have said that these ditches need to be kept clean. I am a perfect example of that because my house, when I moved into it, of course we were in the middle of the installing the sewers and they did not leave those storm drains open. My neighbor across the street and I went together and created a storm drain which we spent our own money on putting drainage in because we were told that the village didn't have any money for this. We did it because we knew that the street was caving in and we fixed it ourselves. I don't think the residents of the village should be personally responsible for fixing their own storm drains that they didn't know were supposed to be there in the first place.

Council member McVan said as a property owner you are responsible for your property whether you did it or didn't do it. It's your property, it's your responsibility.

Carol said I don't disagree with that but I do disagree with the idea that when the village signed off on the streets that were put in and whoever signed off on that didn't come back and say hey these storm ditches should have been left, you shouldn't have filled them in so it goes back to 2001, 2002 and it's not somebody else's fault when they move in as a property owner to have to go out and dig up their ditch.

Mayor Monahan said I asked UST tonight to take a look at where it might behoove us to have a couple of things opened up to get the drainage right and also to compile something to apply for a grant.

Carol said so we don't have any money in the budget to do anything.

Council member Gauldin said I think the first thing we have to do is properly study and understand what we have. If what I am hearing is it's personal property issues, this that and others, let's engage Chris again, let's make sure we get it clear as Pat said and figure out where to go from there and then we can ask to see if money is in the budget.

Carol said that is kind of what I am asking for, let's get some money from someplace and get this thing resolved so that my garage doesn't flood.

Council member McVan said do you want to donate.

Council member Mathews said I have enough drainage problems of my own I don't want to pay for somebody else's either.

Carol said I spent money of my own creating a French drain in front of my house so that the mail lady didn't fall into a trough when she delivered the mail. That was a little over a thousand dollars and that was just half because Del put the other half in. I put over eight hundred dollars of rock in a dry creek bed in the rest of my driveway so that the street didn't flood so yes I've put my fair share in.

Mark Hess, Westerville Ohio, said I have been a long time member of Leatherlips Yacht Club and I was at the April 11th meeting and requested assistance from council to restore boat parking on Leatherlips property. I just wanted to add a couple of things. One is I want the consideration of council and the village that in 1987 the village planning commission issued a certificate of zoning compliance that allowed the boat parking at Leatherlips. I know the club has always thought that was more or less a very long term thing although thirty years is long term but I guess in our planning and development of that area we thought it would be longer than that. In addition to that I have not heard back yet and that's fine but if there is anything I can do on behalf of the yacht club to help the village make progress on this just let me know and I will do what I can.

Mayor Monahan said we ask that you get together with Mahesh and start going through some of this. Those lots are residential and in order to park boats there you need to work through what it will take. It may be a matter of applying, a matter of going through planning and zoning to see if there is a desire to change that zoning.

Trent Iacono, owner/operator of Iacono's Pizza, Dublin Road. I think over the last couple of years we have had good success with the sewer drains, stuff like that and I have always thought Shawnee Hills has been very pro-business. I have never had too many issues. I think you have done a good job in letting us run a successful business. Just a business case study since the issuance of Walgreen's liquor license my drive through business is down twenty two percent. Now we have another one, CVS, getting a license possibly. I am down twenty two already there, what's it going to be next, another eighteen maybe. My point is there is just not enough to go around. If my drive through continues to slow I will have to close it. There is not a big enough piece of the pie here so I am a little bit concerned on how these outside liquor licenses are coming in for a carry out. It is going to affect us in the end. He said if we look at what it is doing to local business owners, it is hurting my drive through and ultimately it will shut it down.

Mayor Monahan asked if the Chamber has ever taken a position on liquor licenses. Larry Burchfield said we have never brought it up at a Chamber meeting. Mayor Monahan also asked about food trucks. Larry said we have discussed food trucks and how they affect all the small businesses in the community. What we talked about in Chamber is small businesses are the anchor of any community, especially this community. Box stores, corporate is not, it's the Chamber and Chamber members who do all the thing in the village, to help the village, that's what the Chamber is about. We get none of that support from corporate. Corporate keeps taking a bite out of independent businesses.

Mayor Monahan said that was the first time we have heard figures added to something and Larry has mentioned how much time it takes for him to stock his wine. Would the Chamber have the ability to provide, if this were to be tabled, would the Chamber be able to come back with some facts and figures? There has been very little discussion other than it will hurt my business. We want to do what's right and it's a council decision.

Council member Mathews said this is a hard decision because I don't want to take money out of your pockets and give it to them; however the precedence was that we gave it to Walgreens why wouldn't we give it to CVS.

Larry said if you use that precedence and that theory there are a lot of other business around the community that you can use that same theory for.

Council member Mathews said if we insert ourselves into this, what's next. Do we tell El Vaquero that they can't have french fries because Wendy's has french fries.

Larry said liquor licenses are set up based on population and now this has upset the apple cart by bringing more in. Where do you stop? If you start checking the percentages of alcohol being available to people per capita, if we check Dublin compared to ours we have more beer and carry outs and restaurants, per capita than Dublin has.

Council member McVan said they just changed that though with those entertainment districts. Now they are going to pop fifteen liquor licenses in a twenty square mile and they are just going to keep popping them right down Bridge Street.

David Raber said last time I addressed Council I said that the population was for one carry out and that was correct, but every D premise, like Iacono's comes with carry out provisions so if you have a D license you are not required to have carry out privileges but you can take advantage of it. Walgreens and Cedarbrook and what CVS is applying for has to be carry out only there is no privilege for general consumption on premises. He said there is a bill going through the general assembly about the alcohol content limits in beer. Right now it is at twelve percent and the Senate president wants to altogether remove the cap. In the editorial in the paper it was talking about the archaic liquor laws that have been on the books for eighty years, since prohibition, that are holding businesses down and the Senate President and the Dispatch believes that the Revised Code should be revised so that businesses can do business in this State. That is what the General Assembly did with this TREX provision. They wanted economic development, communities wanted it so they allowed you the TREX permit outside the area and that is all we are asking exactly what Walgreens did here. Last meeting there was a comment about what's the benefit to Shawnee Hills. CVS has twenty five jobs that you receive income tax from and I know that is significant because the Mayor stated at the last meeting how important it was for folks that were working from their homes in Shawnee Hills to report that so the village can get that income tax. The General Assembly amended the TREX statute two years ago to allow it for existing businesses. He said the operation at CVS is different than obviously Iacono and Cedarbrook nurseries. I just stopped in before and took a look at the wine selection at Walgreens and they have an end cap and about eight to ten feet of wine five shelves high. I looked on the internet at

Cedarbrook Nurseries and they have an entire a room with a wide selection. I have a wine cellar in my basement with hundreds of bottles of wine and not one of those bottles were purchased at a CVS or a Walgreens. I go to places like Cedarbrook Nurseries, Andersons, or Giant Eagle. I can't address Iacono's going down twenty two percent. I am somewhat surprised to hear that because when I was an Assistant Attorney General presenting evidence we always tried to make the case that it would increase traffic and it would be a burden on the communities but we were never able to prove that in an evidentiary hearing. What it does is increase the sale per customer. As an Assistant Attorney General I have proved that it did that and as now a defense counsel for many of these applicants I can see that is the case. All we are asking here today is that CVS, which is a similar situated business as Walgreens be treated the same as Walgreens. Walgreens was granted their licensing in November of 2014. I haven't heard in the four meetings that I have been here the reason of law that CVS should not be treated the same as Walgreens was two years ago.

David said I know Larry is interested in being a State Agency Store and that would help increase his business and we are fully supportive of that.

Communications

Mayor Monahan gave the following report:

I received the below email from one of our officers:

From: Rexford Waldenmyer [mailto:rexford.waldenmyer@shawneehillsoh.org]

Sent: Thursday, May 5, 2016 10:24 AM

To: pat.monahan@shawneehillsoh.org

Subject: Police Activity

Mayor Patrick Monahan,

I felt compelled to send you an email concerning the outstanding performance of Chief Russ Baron and Lt. Erin Cullen. Yesterday, while I was working at the police department, a call came over the radio putting out a bolo of a stolen car with a 5 year old child in the back seat. The car was taken from the Powell Kroger's parking lot and was driving erratically through numerous areas reaching speeds reported at 80 miles per hour. It was also reported by dispatch that the driver was possibly high on drugs, which made the situation even more urgent. Without any hesitation Chief Baron and Lt. Cullen responded to this call for assistance from the other agencies involved in the search for this vehicle. Chief Baron was able to locate this vehicle just off Riverside Drive, stop the car and arrest the driver without incident. Lt. Cullen was seconds behind the Chief and assisted in the arrest. It should be noted that our department was the first agency on the scene and other agencies showed up about 10 minutes later to assist.

I felt you should know about the great job the Chief and Lieutenant did during this stressful encounter. I have been a police officer for 34 years and it is my belief that situations like this should not go unnoticed. This call was handled with great expertise and the outcome completed in a safe and professional manner for all involved.

Thanks for your time in this matter,

Detective Rex Waldenmyer #857

I have signed 3 Proclamations:

First = May 15th to 21st as National Police week

Second = Designating May 23rd through June 5th as Click it or Ticket mobilization enforcement

Third = Declaring May 2016 Motorcycle Awareness Month

Have we received any results back from RITA on the business Income Tax audit?

Mayor's Report

Mayor Monahan gave the following report:

APRIL 2016 MAYOR'S COURT REPORT

RECEIPTS

\$2,587.00 Total receipts

Disbursements

\$548.50 Treasurer, State of Ohio

\$22.50 HB 562 IDAT Fund

\$1,876.00 General Fund

\$140.00 Computer Fund

Erik Spaulding, Mayor's Court Clerk

Looks like Dumpster day was a big success with 3 full dumpsters.

Chipper Day was today May 9th from what I could see yesterday when I drove around it looks like a number of residents were taking advantage of getting rid of yard waste.

Good business news:

I was also contacted by attorney Rob Rishel. He is representing the Owners of Crimson Cup Coffey from Clintonville. They are interested in meeting with Bill Trembly to look at the old Champagne Bank location at the North east end of the Shawnee Square shopping center. Getting timely mtgs. Set up with Mr. Trembly is difficult but I am continuing to work on it.

The BZA hearing is tomorrow evening at 7 PM and it is CV appealing the BZA decision to not allow the building on 2 lots. This is extremely important because the final outcome could affect the entire Village in conjunction with splitting of lots.

The Architectural Board of Review will be conducting a hearing on the 19th in conjunction with Dells Ice Cream building repaint.

Mark also reached out to Bill VanCura asking if he will be ready with a the Business sign for ABR to review.

Planning and Zoning will be meeting on Tuesday the 24th to view and comment on a development proposal follow up from the owners of the Bogey.

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.

I had the honor this past Saturday to preside over the wedding of Charles Hughes SR and Tonya George. Charlie is the brother of Joyce Armstrong who was our Mayor's Court Clerk for many years.

Pro Tem Report

Pro Tem Mathews said that Mark did a good job on the dumpster day.

Did everyone notice the flags at the crosswalk that the Chamber put up. He asked if there were going to be some at the north end. Carol said yes and they will also have twenty three more flags coming.

Committee Reports

Council member McVan said UST met before Council and our Administrator covered almost everything, Road bids and water line bids going out. We got a lot of information on the comparable trash pickup which we have to go over and we are kind of waiting for Concord Township's contract and it is something we can possibly piggy back off of. We have to set up a meeting to discuss changes to the website.

Mayor Monahan said he has asked that we have an open meeting to see what we can come up with and then have a green light session to figure out what we can and cannot do.

Councilmember McVan said the only other thing was getting in touch with Chris for the drainage issues.

Councilmember Vidor said Safety met April 25th. We spoke about the Motorcycle Awareness month, National Police Week which is next week, and we discussed data tracking and analysis, the LexisNexis, the tournament schedule, special duty and we talked about the vehicle log for the police department coming in May. We discussed training, reporting, certificates and where that went and who they report it to.

Legislative Actions

It was moved by Mathews, seconded by Gauldin to table the third reading of Resolution 06-2016. 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- Resolution 07-2016- A Resolution to amend the Employee Handbook for the Village of Shawnee Hills. Mayor Monahan said we have never had mileage or expense reimbursement in the handbook. Brian said this will also include conference attendance and those expenses can be shown paid in advance so it would not have to be fronted by the employee than on the back side you have to provide proof that you attended or than you would have to reimburse the village.

First Reading- Resolution 08-2016- A Resolution that the Village of Shawnee Hills host an ice cream social and a picnic to celebrate the 75th Anniversary of the Village.

First Reading- Ordinance 12-2016- An Ordinance to reappropriate funds for current expenses and other expenditures of the Village of Shawnee Hills, State of Ohio, during the fiscal year ending December 31, 2016 and declaring an emergency. Shirley said some of this is for tax collection fees and really the basic one is under land and land improvements in the TIF Fund to pay for the pavilion and the picnic tables as we don't have quite enough appropriated for that. Councilmember Gil said I have a question. Why does this have to be an emergency just because of a money issue.

Mayor Monahan said it is a reappropriation of the money to move forward to get the pavilion in by July.

Council member Gil said how many vote do we need for an emergency. Shirley said five.

Council member Gil said Mahesh has been absent for quite some time and he's okay though because last time was an emergency and I think we had an issue where I was the deciding vote and I don't want to waste the time.

Mayor Monahan said Mahesh is traveling. He called me and said he had to go to New York City. In this particular case the emergency is a reappropriation so that Steve can move forward with the pavilion. We have already appropriated up to thirty thousand dollars which was the recommendation from finance. Shirley said actually we only have twenty thousand appropriated. Even though Finance recommends appropriation we hadn't officially appropriated it yet. This is just adding fifteen thousand so we can get the picnic tables and this amount was done before Steve got the lower quote.

Council member Gil said as a council member how many times does it take when you are not here, we need you here to vote on this. Do we have a code that says if you are absent five times you have to appoint somebody else. I don't want to be in a position to say I want to study more on the pavilion; unfortunately I did not go to Finance because I was not allowed. I guess Jim and I can get to that when we meet for the Rules Committee. So how many times as a council member, say I go away for six months, how many times can you miss.

Shirley said there is something in the rules about that, I can't remember exactly, but these are elected officials.

Mayor Monahan said Mahesh was at the previous meeting he just had to leave early to take a conference call.

Council member Gil said that's okay but we need you here because this is important. However do we have anything that says if you are going to be gone for two months? How much time do you have until something is done.

Brian said I don't want to derail the conversation but this is getting derailed. You need to get back to the ordinance. Check the code book. You can't kick him off council, you have to go through a whole process and there are rules about it. I think absences that are excused don't count anyways.

Mayor Monahan said he is to be notified when someone can't make a meeting.

Council member Gil said and he has notified you right. Mayor Monahan said yes. Council member Gil said I don't want to be put in a position where you need five votes to pass this and I have questions about the pavilion.

Shirley said if you have questions you should be asking them right now That's what this meeting is for.

Council member Gil said I don't feel comfortable with the pavilion because it came about just two weeks ago.

Mayor Monahan said it came about a long time ago.

Council member Gil said I intended to be at the finance committee but I can't because of rules. I am not trying to be difficult and waste anybody's time but however we have issues with storm management and we have other issues so I question that.

Mayor Monahan said what issues do you have with the stormwater. Council member Gil said we have issues. Mayor Monahan said what issues, tell me. Councilmember Gil said we need to fix the issues that we have.

Council member Mathews said the pavilion money is coming from the TIF. So unless we have sewer problems in that specific spot we can't use this money anyways.

Mayor Monahan said you have to understand that there are certain funds, for example the Fire Fund. The money that we collect from the fire levy, ninety percent of that goes to Concord Township and the ten percent we keep can only be spent on things like upgrading the water lines and adding fire hydrants.

Council member Gil asked who is going to maintain this pavilion once it is built. We are going to need a budget for this; someone is going to have to maintain this at some point, it is going to be more expensive, is that part of the equation.

Steve said it would fall under the duties of our maintenance person and I don't foresee that being a major problem.

Council member Gil said I don't feel comfortable with the pavilion. I want to give Shirley the money that she needs, but for the pavilion I want to revise this.

Shirley said it isn't the money that I need. Anytime you have questions, this is the place to ask them. Don't wait just ask them.

Mayor Monahan said are there any questions you have for Steve about the pavilion now because it came in infinitely lower than we expected it to be.

Council member Gil said it just came two weeks ago.

Steve said correct me if I am wrong, Last month I thought we had some discussions, maybe you weren't at the meeting at that time but I thought I was given clear direction by Council that was here to move forward.

Shirley said that's okay, you can ask. That's what this forum is for, you can ask, so ask.

Council member Gil said you combined the two, the pavilion with this first reading and you are going to pass this as an emergency, it doesn't, I want to get it separated somehow.

Shirley said it's the process, if you want the pavilion to go in the money has to be appropriated for it or we can't sign the contract. Shirley said just so everyone understands TIF money can only be used for certain things. When we passed legislation for the TIF it was for street lights, sidewalks, playground, park areas and the first TIF and second TIF divide at Cherokee. We are using the Cherokee south money. We can't use this money for fixing storm drains on every single street so the TIF is pretty specific, like your street fund money or as the Mayor said the fire fund money, sewer fund money; it is very specific what you can use it for.

Steve said the pavilion is coming out of the TIF account and that is one of the limited areas it can be used for and I guess most folks feel that is a good cause. Like I said the other communities I have been in have all built a pavilion.

Shirley said the TIF money is coming from property taxes, the improved value of commercial areas so it is not coming from any resident's property taxes, it is just from commercial, for example Walgreen's is a good contributor of the TIF funds.

Council member Gil said I am in a position where I do not want to vote on this but I want it to go on.

Council member Vidor asked what is it that you are still uneasy about or what is it we can answer.

Council member Gil said I don't think we have enough kids, I don't think enough families are going to use the pavilion. I was able to talk to a few residents on my end, and I see people around and that is what they told me. I don't think we need it. I wondered is you guys did that when you were moving forward?

Council member Vidor said I heard nothing but positive, everybody I talked to was like wow that would be awesome to have our family reunions there, one person said; another said they could have birthday parties there. I didn't get anything but positive and I did talk to a lot of residents. There were people that were excited.

Council member Gil said the people he talked to did not see the need. They don't see enough kids there, that's what they told me.

Council member Gauldin said I have to back Josh's comments because that is all I get too. I haven't had anybody come up to me saying it was a bad idea. Everybody says it's a great thing, they like the idea that if they have to pay taxes or tax dollars are available that that's a good use for it. That they do use the playground and they would like a place to sit.

Steve said that every place I have been it got so much use that you had to have a means to schedule for holidays and weekends because there were so many people that wanted to use it and then we had to start charging money to rent it out because it got so much use.

Chief Baron said on a beautiful day in the summertime, Monday through Sunday, during the daytime, we see four or five groups of people there and they come in cycles and they all come in and use our bathroom.

Councilmember Gil said having said that you know where I stand. I don't know if you want to table this or Mahesh will be here in two weeks.

Council member Vidor said we already appropriated twenty thousand correct. Can we do the rest afterwards and just move forward with the twenty because twenty will cover the pavilion.

Shirley said we can wait until the next meeting for this ordinance. This can just be a first reading.

Bills

It was moved by Mathews, seconded by Vidor to approve the bills in the amount of \$84,467.19. 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

General	284,936.08	Fire	86,557.83
Street	223,664.62	Weed	5,262.47
State Highway	12,138.90	TIF	22,844.14
Parks and Recreation	900.00	TIF 2	9,335.46
PD Body Armor	884.63	Veteran's Mem.	98.97
Cont. Prof. Training	2,545.00	Sewer Oper.	34,863.87
Drug Law Enf.	200.00	Sewer Repl.	166,000.00
Indigent Drivers	385.84	Storm Sewer	1,004.87
Enfct. and Education	2,010.00	Debt Service	95,365.24
Court Computer	5,175.53	Debt Reserve	100,603.76

Total \$1,054,777.21

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

It was moved by Gauldin, seconded by Mathews to authorize Steve DeBolt to sign the purchase order from Kirkham Building Systems, Inc. Following vote on the motion is recorded: yea, 4; Gauldin, Mathews, McVan and Vidor. Nay, one; Gil. 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 May 23, 2016. Following vote on the motion is recorded: yea, 5; Gauldin, Gil, Mathews, McVan and Vidor. Nay, none. Chair declared the meeting adjourned at 8:22 p.m.

Fiscal Officer

Mayor