

## Village of Shawnee Hills Council Meeting Minutes

April 14, 2014

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

Council in attendance: Mahesh Dalvi, James Gauldin, Cameron Kemplin, Dan Mathews and Mike McVan

Absent: Charlie Callender

Also Present: Administrator Ed Swanson and Fiscal Officer Shirley Roskoski

It was moved by Dalvi, seconded by Gauldin to approve the minutes from March 24, 2014. Following vote on the motion is recorded: yea, 5; Dalvi, Gauldin, Kemplin, Mathews and McVan. Nay, none. Chair declared the motion passed by a 5-0 vote.

It was moved by Dalvi, seconded by Gauldin to approve the agenda with the following amendment: add the date of April 14. Following vote on the motion is recorded: yea, 5; Dalvi, Gauldin, Kemplin, Mathews and McVan. Nay, none. Chair declared the motion passed by a 5-0 vote.

### **Solicitor**

Brian Zets could not make the meeting so the Mayor read the report from Brian:

Continued to work with Ed on certain zoning issues;

- Worked with Ed and Chris Tebbe on a public records request for documents related to the 2013 non-winning sidewalk bid tabulations;
- Continued working with Ed on matters related to the upcoming intersection project, including property acquisition;
- Worked with Ed and Shirley on driveway regulation issues and drafted the necessary legislation;
- Attended criminal arraignments in DCMC on Monday (4/7) and Tuesday (4/8). Jim Hughes from my office attended an arraignment in DCMC on Thursday (4/10). Worked with Lt. Baron on several related issues;
- Answered other random questions.

### **Administrator**

Ed said that the appraisals for the easements for the intersection are completed and letters are being mailed to the affected property owners. Dublin had estimated that the easements would cost between \$175,000.00 to \$200,000.00 and the appraisals are falling right in that range.

Council member Dalvi asked when do they have to respond by. Ed said he does not think there is a date in the letter, there is an offer and if they have any questions they are to contact Ed or Dublin depending on which municipality the property lies in.

Ed said the bids for this intersection project are scheduled to go out April 22 with the bid opening scheduled for May 6 at 2:00 p.m.

Ed said that we received six bids for the sidewalk project and the low bid was from D. L. Smith Concrete and Design. This bid did go a little bit over. He had priced in LED lights for the crosswalk signs which are very expensive and we are removing that from the bid. We also subtracted the contingency so we are short \$8,900.00 of what Council has allocated for this project. Ed said there are things in the bid specs that we can save some money on, like traffic control. Ed said the bottom line is that the bid is not going to get any cheaper; it is only going to go up. Every time we bid this out it goes up and up.

Council member Dalvi said here is my view from a Finance perspective. We said we would allocate what we did with the understanding that it would swing plus/minus x percent, that's fine. What he is concerned with is knowing where we have been before that if we don't control this right we could be spending lots more which could be an issue so the question he has is do we know this contractor's performance in terms of how well and how good they have stuck to the estimates. He also asked what is the cost per linear foot. Ed said he does not know. Ed said that Chris has checked out the contractor and he is satisfied with him.

Ed said he talked to the contractor today and this contractor bid on the sidewalk last year and was the low bidder and then we decided not to do the project. The contractor told

Ed that if this was approved tonight he would be able to start June first and be finished by July 1.

### **Visitors**

Sean Miller, Director of Delaware County Emergency Management was present and he is here to talk about the Delaware County Multi-Hazard Mitigation Plan that is before Council for consideration. This looks at the threats posed to Delaware County such as tornadoes, haz-mat incidents and other incidents that could arise in the County. It looks at those threats and then looks at how to reduce the threats posed and how to reduce the risks as far as loss of life and monetary risks as well. He said one of the examples of a mitigation project we have been able to implement is the Scioto Township flood project. We have been able to purchase two flood prone properties that have flooded with some frequency and they were determined to be cost effective as far as buying them out, demolishing them and deed restricting the properties to open space in perpetuity. The idea behind it is that having these frequent floods, it's a burden on the National Flood Insurance Program which is a quasi-publicly funded program and when you demolish these structures and of course it is all volunteered to the homeowner, when you demolish these structures you don't have those costs anymore associated with floods and first and foremost you remove people from harm's way. Folks are out of harm's way and the fire department doesn't have to worry about going out and performing water rescues or anything like that.

This plan looks at the hazards, how to reduce those hazards and has multiple analysis on what a potential hazard could cost. It's a good resource document and also will open up some funding from federal emergency management agencies with projects similar to the Scioto Township project.

Council member Gauldin said there are some portions in this that there's an implication of trying to understand what we have to bring forward in case of an emergency and his question with that would be is, if a neighboring township or something had an emergency and that plan was enacted

over there, things were happening and any of our resources would be pulled, would that be part of our acceptance into the plan.

Sean Miller said the plan does not lock us into anything. It doesn't lock us into any of the actions for mitigation and your resources would not be pulled, to answer your question. This plan just talks about some of the resources available as well as what authority certain government entities have for mitigation actions.

Tress Parenteau from The Bogey was present to discuss the application for a variance from the noise ordinance for the Memorial Tournament. She said this is very similar to what they have had in the past. No changes to the decibel reading.

Chief LeFever said they have not had any issues with the noise the past couple of years.

### **Communications**

Mayor Monahan gave the following report:

I received notification that the Mayor's Association of Ohio Conference will be held in Marietta, Ohio June 11-13. I will be taking vacation from work and will be attending. I believe the participation over the past years has been helpful in our obtaining grants.

The Spring Newsletter went out and I have received good comments on it.

### **Mayor's Report**

Mayor Monahan gave the following report:

March, 2014

#### Mayor's Court Report

##### Deposits

2,654.00                      Traffic Receipts

2,654.00                      Total Receipts

##### Disbursements:

637.50                      State Treasurer

221.00                      Computer Fund

25.50                        HB 562 Indigent Driver (to Delaware Municipal Court)

1,770.00                    General Fund

2,654.00                    Total Disbursements

Respectfully submitted, Joyce A Armstrong, Mayor's Court Clerk

I gave all of you a copy of the response that we received from Dublin. I believe this clears up the concern that Charlie has rightfully raised and allows us to move forward with important projects for this year.

On 4-8 we had a business Advisory meeting with Bill VanCura from the Farm Market, Carol Kender from the Shawnee Hills Bakery, Dr. Dawn and Terri from the Shawnee Hills Animal Hospital. Council President Mathews and Council Member Dalvi also participated. One of the biggest concerns from the businesses at this time is impacts associated with the intersection project. We are meeting with the Chamber board on May 21<sup>st</sup> and will have more firm project plan details. We assured them that every effort will be made to minimize traffic interruptions as much as possible.

We also discuss the branding effort for the Village which will need to be a joint Village Chamber project. I would ask Council to take appropriate actions to sanction the effort. I would also suggest that Mahesh chair or at least co-chair this Branding Committee.

I did let the attendees know that Code Enforcement is one of the most difficult tasks we have. I let them know that we try to notify and work with both residents and businesses to notify them to clear issues. Two things that escalates that process:

- 1) We do not make a habit of crawling over fences to dig up violations however once either another business identifies suspected violations we are liable and must and will further investigate.
- 2) When a warning is issued and the business or resident states that they will not comply and mention going to court we have no choice and will and must issue citations covering identified infractions. It is not a position we want to be and would far rather work through the issues we must and will take the necessary actions to protect the Village.

I did ask two things, it is time to clean up both residential and businesses and we live and have establishments in Shawnee Hills not Powell and not Dublin. If we are to raise the image of the Village which we have greatly it is necessary that we all help!

How much do we have in the Playground fund? I know I am stating the obvious but having the affliction of being a Time oriented person, if we are to get a good portion of the playground completed this year it is time to put a full court press on for the sale of donor bricks.

I would also ask that Finance at the next mtg. in light of the assurance we have received from Dublin determine when the Playground and municipal building parking lot be financed.

Planning and Zoning will be mtg. on Tuesday the 22nd at 7 PM. Dan do you have the commitment of the condo developer to come and discuss that issue with P&Z?

### **Pro Tem Report**

Pro Tem Mathews said today he was up at the Delaware County Commissioners meeting in regards to a \$193,000.00 grant that the County has and it will be split four ways. He said there were only three people there and this was just a preliminary meeting to see who is interested in the grant. Pro tem Mathews said he mentioned the playground and the street lights and benches and the sidewalk project.

Pro Tem Mathews said he is recommending to the Rules Committee to establish a Economic Development Branding Committee. We have residents that have expressed their desire to be on the committee and Council member Dalvi will chair it and we will have representation from the Chamber as well. He said this will be a temporary committee for a year.

Pro Tem Mathews said we are going to try something for the next three months where Brian Zets will only attend the last meeting of the month rather than both meetings of the month to see what kind of cost savings we have.

### **Committee Reports**

Council member Kemplin said that Safety met and we discussed criminal cases that are going on here in the community and we also touched on what the Chief is putting together for the

tournament. We also discussed the speed limit signs and the features and costs associated with those and will hand that off to Finance.

### **Break**

It was moved by Mathews, seconded by Gauldin to break for five minutes. Following vote on the motion is recorded: yea, 5; Dalvi, Gauldin, Kemplin, 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; Dalvi, Gauldin, Kemplin, Mathews and McVan. Nay, none. Chair declared the motion passed by a 5-0 vote.

### **Legislative Actions**

Third Reading- Resolution 02-2014 – A Resolution that the Village of Shawnee Hills host a village wide picnic late summer/early fall at the Ohio Wildlife Center. It was moved by Mathews, seconded by Kemplin to adopt Resolution 02-2014. Following vote on the motion is recorded: Yea, 5; Dalvi, Gauldin, Kemplin, Mathews and McVan. Nay, none. Chair declared Resolution 02-2014 passed by a 5-0 vote.

First Reading- Resolution 03-2014 – A Resolution authorizing the Village Administrator to sign the agreement adopting the Delaware County Multi-Hazard Mitigation Plan

First 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

First Reading – Resolution 05-2014 – A Resolution authorizing the Administrator to sign the contract with D. L. Smith Concrete & Design, LLC. For the 2014 sidewalk project for the Village of Shawnee Hills, Ohio and declaring an emergency. It was moved by Dalvi, seconded by McVan to suspend with the second and third readings and declare Resolution 05-2014 an emergency. Following vote on the motion is recorded: Yea, 5; Dalvi, Gauldin, Kemplin, 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 Resolution 05-2014. Following vote on the motion is recorded: Yea, 5; Dalvi, Gauldin, Kemplin, Mathews and McVan. Nay, none. Chair declared Resolution 05-2014 passed by a 5-0 vote.

First 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. Ed said this has to do with the orientation of houses. In all developments all the houses face the same way and we have had folks in the past want to face their house in the opposite direction of the house next to them and to do it right they should all be facing the same direction as all the other houses. Due to the arrangement of our lots there may be an occasion where the house will have to face the opposite direction but whenever it is feasible we need to make sure the houses face the same way. He said for example he built a house on E Seneca and later there was a house built next to it that faced the opposite direction of all the other houses on the street. Ed said someone else was the Administrator at this time. The person that Ed sold his house to

came to him and asked him to go to Council and ask that the house not be allowed to face the opposite direction. He said that his back yard will be in the neighbor's front yard and he did not think that would look good. Ed said he came to Council and he was told that they would look into it and neither he nor the neighboring property owner heard back from anyone.

Mayor Monahan said if you remember we dealt with the sheds and there will be some inevitable spots in the village where you have a house facing one way and another facing the other way. The bad news story is you could be facing someone's shed that is in their front yard so I would suggest that since this is a first reading, if you have any questions talk to Ed.

Council member Dalvi said we need to address all of these issues, the sheds the houses and the driveways.

Council member Gauldin said how many roads do we have where they are facing different directions and then if there are any open lots, who gets to pick which direction at that point. Ed said it has to be in the same direction of the other houses on the street and that is what this legislation is addressing. If the houses can physically be facing the same way then they should be. If they can't be and there will be some cases where that will happen then that will be an exception to the rule. We ran this by Brian and he knows there will be exceptions and he prepared this legislation.

Council member Gauldin said he is just curious how the exceptions get taken care of. If you go down the street and you have half the houses going one way and half the houses going the other way and there's an empty lot is it just a flip of the coin. Ed said that's a good question, that's different if they are going both ways but if they are all going one way the next house should face the same way as the existing houses.

Council member Gauldin said in the end it needs to be clear so either Mark isn't put in a bad spot trying to make a decision or there is a clear avenue for that decision to be made so that nothing gets hung up. Shirley said we can ask Brian how to word that.

First 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

First Reading- Ordinance 08-2014- An Ordinance Creating Section 1121.13 (Site Plan) of the Codified Ordinances of the Village of Shawnee Hills

First 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

First Reading- Ordinance 10-2014 – 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 and Declaring an Emergency. It was moved by Dalvi, seconded by Mathews to suspend with the second and third reading and declare Ordinance 10-2014 an emergency. Following vote on the motion is recorded: Yea, 5; Dalvi, Gauldin, Kemplin, Mathews and McVan. Nay, none. Chair declared the motion passed by a 5-0 vote. It was moved by Dalvi, seconded by Mathews to adopt Ordinance 10-2014. Following vote on the motion is recorded: Yea, 5; Dalvi, Gauldin, Kemplin, Mathews and McVan. Nay, none. Chair declared Ordinance 10-2014 passed by a 5-0 vote.

First 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.

**Bills**

It was moved by Gauldin, seconded by McVan to pay the bills in the amount of \$68,804.80. Following vote on the motion is recorded: Yea, 5; Dalvi, Gauldin, Kemplin, 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 238,142.74, Street Fund 64,264.60, State Highway Fund 6,490.97, Drug Law Enforcement Fund 627.00, Indigent Drivers Interlock Fund 350.00, Enforcement and Education Fund 1,985.00, Mayor’s Court Computer Fund 8,958.04, 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 60,798.48, Sewer Replacement Fund 126,000.00, Storm Sewer Fund 3,577.12, Enterprise Debt Service Fund 88,071.35, Enterprise Debt Service Reserve Fund 99,215.40 for a total of \$1,133,215.40. Following vote on the motion is recorded: Yea, 5; Dalvi, Gauldin, Kemplin, Mathews and McVan. Nay, none. Chair declared the motion passed by a 5-0 vote.

There being no further business, it was moved by Gauldin, seconded by Mathews to adjourn until April 28, 2014. Following vote on the motion is recorded: yea, 5; Dalvi, Gauldin, Kemplin, Mathews and McVan. Nay, none. Chair declared the motion passed by a 5-0 vote.

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Fiscal Officer

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Mayor