

Village of Shawnee Hills Council Meeting Minutes

July 13, 2015

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

Council in Attendance: Charlie Callender, Mahesh Dalvi, James Gauldin, Dan Mathews, Mike McVan and Josh Vidor.

Also Present: Solicitor Brian Zets

Absent: Fiscal Officer Shirley Roskoski and Administrator Ed Swanson

Minutes

It was moved Callender, seconded by Vidor to approve the minutes from June 22, 2015 with the following amendment: on page four change the spelling of don to don't. Following vote on the motion is recorded. Yea, 6; Callender, Dalvi, Gauldin, Mathews, McVan and Vidor. Nay, none. Chair declared the motion passed by a 6-0 vote.

Agenda

It was moved by Dalvi, seconded by Gauldin to approve the agenda with the following amendment: add Shelia Hiddleson and Steve Burke from Delaware General Health District. Following vote on the motion is recorded. Yea, 6; Callender, Dalvi, Gauldin, Mathews, McVan and Vidor. Nay, none. Chair declared the motion passed by a 6-0 vote.

Solicitor

Brian said he attended the Planning Commission meeting and the Board of Zoning Appeals meeting last month. BZA worked through a variance request and the planning commission is still working on the PUD legislation. We may have a final resolution this month with that. He said we have a Delaware County Municipal case set for trial next Mondays and we are working on resolving that so we do not have to have a trial. He helped Shirley with a public records request last month and just miscellaneous questions from Ed, Mark and Shirley. One had to do with the Summerfest and the noise variance legislation that is before you tonight.

Village Administrator

Mayor Monahan said Ed is gone tonight and there are really no new updates. The paving is moved into September.

Mayor Monahan said the new cruiser is over at Parr being fitted but they do not have the specs on some of the major items to be installed on it. We are supposed to get it at the end of this week. I did have Mark get the numbers for the new truck. It is going to finance next for their review.

Council member Dalvi said I think we need to move forward with the cleaning of the path on Old Powell Rd. I know we had some conversations with LYC and the City of Columbus and

those haven't gone as well as expected, but that should not prevent us from creating the path in our area that is under Shawnee Hills, unless there is some issue with that.

Mayor Monahan said my take on this and I have said this to Ed, and what I have said to you, one I wanted to separate the Columbus right of way thing and the stewardship because it all depends on how it shakes out and if it stays in the budgetary thing it will be able to be cut, however, I believe we ought to proceed and if anybody wants to try to stop us then we stop.

Council member Dalvi said I think the question I had and maybe Brian can answer this. I thought we had zero rights to do anything or do we have any rights to do anything on that property.

Brian said we have that road right of way easement. We can do anything that is consistent with that.

Mayor Monahan said I wouldn't even have mentioned that if I thought we had zero. Council member Dalvi said I just wanted to make sure because I have heard three different things.

Council member Mathews said have you looked at it, I actually thought we could start doing stuff. Council member Dalvi said we have an opportunity to clean it up and make it nice and put some benches in there and make it happen. Let's start working towards that and if council agrees we should give direction to move forward. Council member Callender said we can't put a park down there though. Council member Dalvi said we are not creating a park, we are creating a pathway, cleaning up the wood and starting the process to get there.

Mayor Monahan said if you read into what Brian said, we could put a road in there tomorrow. We could put a full sixteen foot wide paved road if we want to. The problem is this. I think one of the worst decisions, and I wasn't here so maybe I am being too judgmental. When we gave up the roads going down to the river years ago, what we don't have is, we are a riverfront village without an access to the river for everybody unless you lived on it. It has always been a little thorn in the side thing because people say they want to go down and look at it. Well you can walk down to Leatherlips or you can knock on someone's door so the idea was to put a little path in and maybe a couple of benches.

Council member Callender said I understand that but I can't remember the information that was given out. We can't do anything, right, according to, Columbus?

Mayor Monahan said Columbus overreaches themselves. On Columbus's land and I have said this from day one, let's not get tied into Columbus land from what is land in the village because that will only complicate the issue. The question is, I would suggest that when Ed gets back, Ed you and Brian sit down and let's talk it through and move it forward from there. My own take, I'd start plowing a path back there and see who screams.

Brian said I did not mean to give the most political correct answer in the planet but I thought I did a good job at it. Only because I think that's a question that may be reserved for an executive session if you really want to have a discussion about what our legal rights are or not. I just don't feel real comfortable delving out legal advice for you that is better reserved for conversations where we are entitled to have in private.

Council member Dalvi said let's do the executive meeting. Council member Callender said I am just scared we are planning something and we are going to do it before we really know if we can. Council member Dalvi said that is why I asked where are we, what can we do and if we need an executive session then I am fine with it. Council member Callender said I do not want any money spent for down there. Council member Dalvi said there has been zero money spent at this point because it was a Boy Scout project.

Council member Gauldin said can we start the process of collecting that data in plans of having an executive session at the next council meeting. Council member Dalvi said yes we should. Mayor Monahan said Jim; we have circled that data so many times. Council member Gauldin said then it shouldn't be a problem. Mayor Monahan said let's schedule the executive session for the next meeting.

Visitors

Shelia Hiddleston gave a couple of brief updates about the health district and she asked Steve Burke who is the environmental health director to come with her to talk specifically about some properties that the Mayor has asked about. Shelia said that they have completed their CHIP (Community Health Improvement Plan). There are over twenty six initiatives that are within the five priority areas and all but one of them have already started down the road so we are really thrilled with that. That it is not a document that has been put together by the community that is just sitting on a shelf someplace. It is actually a document that we are using. Suicide prevention coalition is using the document. The United Way actually used the food and security priority to do some funding decision for their round of funding this year. Really good things are going on. She said it is high mosquito season. Columbus is doing some spraying. We only spray in response to disease. Spraying is the least effective thing that we can do because it only takes care of those adult mosquitoes that happen to be out there flying around when we spray so the best thing that we can do is work with our community to prevent mosquito bites and encouraging the wearing of the light colored clothes, long sleeves and getting rid of any standing water on their properties.

Shelia said that the Mayor had contacted her and there are three properties that are pretty close to the village limits, two on Mohican and one on Park Place. We have done some inspections there and Steve is going to give you an update on where we are with those.

Shelia said that she and Steve have had a conversation with Trustee Bart Johnson as these properties are actually in the township, about what they can do and what we can do so we are trying to work together on those particular properties but Steve is going to give you kind of where we are in our in are orders and what our rules allow us to do and not to do.

Steve gave a brief overview of where they are with the three properties. The one on South Park Place we have sent two letters, with certified receipt, and neither one has come back yet. One is requesting them to clean up the exterior of their property with things that we actually have rules over and the other one we asked them to notify us to allow us into the property. He said they did meet with the prosecutor's office over these houses and some others in the county that we have been feeling a little pressure from the subdivisions that we need to do something about the inside of these houses. We haven't got that really nailed down clearly yet even from the prosecutor's office. What we have been told is they believe we can go in and look for plumbing that has not failed or has been neglected. That is a specific rule the Board of Health has. So that is what we

feel and the prosecutor's office is somewhat in agreement is that we are pretty limited to the inside of the house.

Mayor Monahan said just to give a fill in. He was asked for help on this from the folks in Lucy Depp and they have been very concerned about this house which is, allegedly, full of black mold. It is supposed to be worse inside than outside and the outside is a travesty.

Steve said the two properties on Mohican, one is the Fields property and we did not issue orders on that. It is an eyesore, I have seen it too. I have a solid waste inspector that looks at it and has looked at all of these properties. We are limited to what is considered solid waste and if that pile of bicycles that the guy wants is not considered a public health problem or that's not just an eyesore, there is not much we can do with that. We have not issued orders but we have talked to him several times and he promises to get something moving.

Mayor Monahan said his property drains right into a culvert that goes under Dublin Road and from a health standpoint that was one big concern, that they were forcing things into the river. Steve said Doug Sams is his solid waste inspector and he did not identify anything that he felt was draining off the property.

Shelia said even though we haven't issued orders, Doug has developed a relationship with this older gentleman and we have been working with him to maybe contact Source One for some help to do something around there. Our understanding is he might have some health issues that might prevent him from doing some of those things.

Steve said the other property on Mohican, Doug has issued orders for them to clean up the tires on the site. That is something that is specific that we can do. Doug said that there is not a lot else wrong with it that we have rules with. So the tires we can deal with and the other one on Park Place we are working on.

Mayor Monahan said to the Fields property, happen to like the people in Concord Township, do not understand why in the hell they do not enforce their code. I don't understand why in the hell they don't enforce their code and allow people to live like that. I have heard about Fields problems, happens to be younger than me, and essentially if you have tires, how about the tires on the non-running cars. I appreciate your help, it's the frustration. A neighbor across the street, they just finally sold the house, they are the ones that back up to him. They took a tremendous loss over it naturally because of his stinking junk yard. I am surprised there isn't an issue with his dogs being left out there during subzero weather and everything like that.

Shelia said her understanding is that somebody did call the humane society about those dogs. Just like you all, you have things that you can and cannot enforce and we are in the same place. The home on South Park, this is a little bit unchartered for us. We have not really ever gone specifically into a home but the rules are clear that if there is a sewage issue or a plumbing issue that we have that. If they are not willing to let us in the home then we would have to ask our Board if they want us to try to get a warrant to do that.

Mayor Monahan said I appreciate your help on this, I really do. They have the code that they could enforce. Bart and I had a halfway nasty exchange when he asked me if the property looked like that when the neighbor that just sold his house built the property and I asked him if his code was that bad for that long.

Mayor Monahan said to Larry Burchfield. We have the legislation and it is on there tonight and the legislation is Ordinance 19-2015. Your liquor license also got approved today.

Larry said that he had the insurance and the liquor license to show Council for the Summerfest. We have everything lined up and we are ready to go.

Council member Callender asked if they had gotten any more sponsors. Larry said we are half way there so if you know anyone to sponsor, we need them.

Communications

Mayor Monahan gave the following report:

I believe we all received a copy of the Reservoir Reflections from Greg Davies office. I suspect more will come on the amendment that passed through the state budget allowing mowing next to the reservoir. My understating is there is a ninety day stay until that occurs.

I have an invite to the Central Ohio Transit Authority Annual Luncheon to be held August 20th if anybody is interested.

Shirley and I did meet with MORPC two weeks ago. It's kind of interesting. One of the things, I was communicating with Eileen Leuby today on the idea of connecting the bike path between Dublin and the Zoo.

I don't know if anybody was out on Saturday but the traffic to the Zoo was backed up all the way through our intersection. I sent Tam Stalf an email this morning and I said:

Tom,

I hope all is well and like you wish we were dry. The weekend traffic was backing up all the way across the dam through our village. Could you have the western most entrance closed for entering the zoo and signage? It will and has in the past help alleviate the backup of both lanes headed east from Riverside towards the zoo entrance. When people turn east on 750 (Powell Road) from Riverside they immediately try to get into the left lane which ultimately blocks up both lanes stopping traffic heading east. This is detrimental to our businesses and a strong irritant to others just heading east.

If there is someone I can work with to help explain the situation please let me know.

Thanks, have a great safe summer.

Within seventeen minutes I received a note back from Tom. It said:

Pat,

Thank you for your email. I am working with our security director Scott Thompson who is working with the police department. I like your suggestion and Scott Thompson is working on plans to speed things up. Scott, please add any more information for the updates.

I sent something back to him:

Thanks, Tom,

We really appreciate your help. If our police can be of any help at the zoo please let me know.

Received the following from Scott Thompson:

I reached out to the Delaware County Sheriff's Office and requested extra special duty support for busy days at the zoo. The plan is to have two law enforcement officers in the intersection of Glick and Riverside and Powell Roads. These officers will control the traffic from all directions and work in conjunction with other law enforcement officers at our western entrance. The extra support that officers will provide at the intersection will include ensuring that the north bound Riverside traffic is stopped allowing east bound traffic to clear the Glick Road bridge and then the south bound Riverside traffic. I have discussed this approach with several law enforcement

officers and they believe it will be successful and clear up the traffic that is backing up into your town. Please feel free to contact me if you have anything further to discuss.
I was pleased that we got a quick response back.

Mayor's Report

Mayor Monahan gave the following report:

JUNE 2015 MAYOR'S COURT REPORT

RECEIPTS

| | |
|---------------|--------------------------|
| \$ 3,368.00 | Total receipts |
| Disbursements | |
| \$816.50 | Treasurer, State of Ohio |
| \$31.50 | HB 562 IDAT Fund |
| \$2302.00 | General Fund |
| \$218.00 | Computer Fund |

Erik Spaulding, Mayor's Court Clerk

Erik has done a very good and very timely job on this.

I believe everyone received the June police report also.

I talked to Shelia about the HIV testing. You guys get that newsletter too, don't you?

Just a reminder that the Chamber Summerfest is on Saturday, July 25th. I hope everyone gives it their full support.

I do want to thank Katie Mathews for being willing to chair the village picnic.

Dumpster Day went really well.

Legislative Actions

First Reading- Ordinance 19-2015- An Ordinance granting a variance to the O'Shaughnessy Dam Area Merchants Business Association (D.B.A. Shawnee Hills Chamber of Commerce) to allow an electronically amplified decibel level in excess of the limitations set forth in Section 509.09(C) and declaring an emergency. Mayor Monahan said this is just between seven and nine and we are allowing it to go to 85db from what would be 70. It was moved by Dalvi, seconded by Callender to suspend with the second and third readings and declare Ordinance 19-2015 an emergency. Following vote on the motion is recorded: yea, 6; Callender, Dalvi, Gauldin, Mathews, McVan and Vidor. Nay, none. Chair declared the motion passed by a 6-0 vote. It was moved by Vidor, seconded by Gauldin to pass Ordinance 19-2015 as an emergency. Following vote on the motion is recorded: yea, 6; Callender, Dalvi, Gauldin, Mathews, McVan and Vidor. Nay, none. Chair declared the motion passed by a 6-0 vote.

First Reading- Resolution 14-2015- A Resolution to increase the rate of pay for Erik Spaulding, Mayor's Court Clerk for the Village of Shawnee Hills, Ohio. Mayor Monahan said this is a first reading and Erik has done an excellent job and this is a two percent increase.

Bills

It was moved by Mathews, seconded by Callender to approve the bills in the amount of \$40,547.12. Following vote on the motion is recorded: yea, 6; Callender, Dalvi, Gauldin, Mathews, McVan and Vidor. Nay, none. Chair declared the motion passed by a 6-0 vote.

Treasurer's Report

It was moved by Callender, seconded by McVan to approve the following treasurer's report: General Fund 362,495.97, Street Fund 97,873.58, State Highway Fund 9,815.51, Drug Law Enforcement Fund 200.00, Indigent Drivers Interlock Fund 385.84, Enforcement and Education Fund 2,010.00, Mayor's Court Computer Fund 7,054.93, Fire Fund 71,823.91, Weed Fund 5,686.17, TIF Fund 10,890.29, TIF 2 Fund 2,232.47, Veteran's Memorial Fund 98.97, Capital Projects 9484 Dublin Rd. Fund 5,770.25, Sewer Operating Fund 57,707.47, Sewer Replacement Fund 166,000.00, Storm Sewer Fund 2,399.05, Enterprise Debt Service Fund 134,008.87 and Enterprise Debt Reserve Fund 100,053.40 for a total of \$1,036,053.40. Following vote on the motion is recorded: yea, 6; Callender, Dalvi, Gauldin, Mathews, McVan and Vidor. Nay, none. Chair declared the motion passed by a 6-0 vote.

Adjournment

It was moved by Vidor, seconded by Gauldin to adjourn until July 27, 2015. Following vote on the motion is recorded: yea, 6; Callender, Dalvi, Gauldin, Mathews, McVan and Vidor. Nay, none. Chair declared the meeting adjourned at 7:39 p.m.

Fiscal Officer

Mayor