

Village of Shawnee Hills Council Meeting

April 23, 2012

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

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

Also Present: Fiscal Officer Shirley Roskoski, Administrator Ed Swanson and Solicitor Brian Zets

Since Council did not have the minutes from April 9th, they will approve them at the next meeting.

It was moved by Gauldin, seconded by Garren to amend the agenda by removing the approval of the minutes. Following vote on the motion was recorded: yea, 6; Callender, Dalvi, Garren, Gauldin, Mathews and McVan. Nay, none. Chair declared the motion passed by a 6-0 vote. It was moved by Garren, seconded by Callender to approve the agenda as amended. Following vote on the motion was recorded: yea, 6; Callender, Dalvi, Garren, Gauldin, Mathews and McVan. Nay, none. Chair declared the motion passed by a 6-0 vote.

Solicitor

Brian Zets said that the Jim Bowers lot purchase, switch, sale, contract has been finalized. He has the contracts tonight for Ed and Shirley to sign on our behalf and he knows that the Bowers have already signed because their attorney has sent a fax version of it to him. We are just waiting for them to come back from Florida. The next step is having Scott Miller work on the closing details and getting that taken care of. We will look to set a closing date that will be convenient for everybody and then we will be done.

He said he talked to our insurance counsel, Paul Lafayette, and he informed Brian that there was another lawsuit that had been filed, it was a 2506 appeal, an administrative appeal that was filed under Chapter 2506 of the Ohio Revised Code by Mr. Daulton who is the individual who owns the property there that sells boats and he had a variance and a conditional use application that was denied by the BZA.

Brian said that Gene Hollins will be attending the Planning and Zoning meeting tomorrow night. Gene is more knowledgeable about annexations than he is.

Village Administrator

Ed said that he talked to Brian several times about the Bowers contract and he also talked to Jim Bowers numerous times and they got it worked out finally. He also met with Scott Miller concerning the transfer of the property.

He met with John Piccin and reviewed the water line extension and the proposed sidewalk continuation. Mike Eger completed the drainage extension on E. Pawnee Dr. last week.

Ed said he met with CPS Engineering to go over the drainage plans for the Veterinary Hospital, they approved the drainage plans for this and he had some questions for them regarding this.

He met with Bill Pizzino about the municipal building remodel. Bill has been out twice to take measurements and shoot some grades.

Ed said he has had three or four conversations with Dennis Schwallie about financing for the building addition, completion of the sidewalk, parking lot, landscaping maybe. Mahesh asked if Dennis could come to the May 10th Finance Meeting. Ed said the good news is he has a potential investor. He said the sewer refinance is not a viable option at this time. He can only get someone to finance this for 7 years and then we would have to renegotiate the rate at that time and we are currently paying 4.75% for our loan. He does not recommend that we do anything with our sewer loan at this time.

Mayor Monahan said he wants Finance to determine with the money we have, what might be paid for, what we might borrow.

Council member Dalvi said we need to figure out what amount of debt we can afford.

Ed said we need to make some decisions and make them soon because this can be a 60 to 90 day process.

Ed said that when Concord Township retapped one of the fire hydrants it increased the water flow to 850 from 300 but they still want to increase the volume of water to the other side so we will continue with the original plan, replacing the 4" line with an 8" line. Del Co is supplying the line for this project.

Police Chief Report

Chief LeFever said they are hosting a Bike Rodeo on May 12th at the Shawnee Square Shopping Center. We did the first one last year. We have a couple of scout troops involved this year. This rodeo promotes bike safety and wearing helmets. We do bike lessons, we have experts come in from the Trek store and then we give away free bike helmets, knee pads, a lot of neat little stuff. Chief LeFever said they have had several trainings going on. Two of our officers, Litzinger and Antalocy went to Crisis Intervention Training. This is training on how to deal with difficult people; it basically covers everything from handicap people, all the way to special needs, to people intoxicated or under the influence. This equips the officers to go out and deal with victims of crime in several different areas. Litzinger and Antalocy successfully passed this training and received their state designation in crisis intervention specialist.

Officer Laura Diamond attended FAST Training, this is a female self defense course for law enforcement but it is designed for the female officers to take that back to a female audience, civilian personnel, people who may be interested in a rape prevention class. We tossed this around over the course of the year about doing something for the community so she took it upon herself, out of her own time, to attend this course to learn how to put these programs together.

Chief LeFever said they are hosting some training also. Starting tomorrow through Thursday we will have the Federal Law Enforcement Training Center coming in. The Shawnee Hills Police Department will be hosting the training and it will be the only training of its kind in the State of Ohio offered by the Federal Government this year. It is at no cost to the Village, we pay for some basic refreshments and that's about all that comes out of our pocket. This is training that a lot of our officers have been through, the problem is, these two, three and four day courses that are out of state, even though the government pays the bill for us to go to that training, it doesn't always fit with our A Unit schedules and full time jobs to be able to take a week off to go to an optional training class. He said this specific class that we are running, the reason we brought it to us this time, is we can run 8 of our officers through it, so pretty close to half of our staff is going through this training at no cost. What it basically covers, it is a first responder training, it's called

the FRTP, First Responder Training Program, it is taught by the Federal Government and they teach everything from incident command, weapons of mass destruction, all the way down to dealing with a house fire. Basically any type of critical incident, mass casualty incident such as weather emergency anything at all that you could remotely run into as a police officer. It basically reinforces what you do when you first arrive, setting up, getting the assistance that is needed, what are your government resources, what are your state resources. It's a really neat training program; he went through it about two years ago. It's one of the reasons we decided to bring it here. It literally throws the student into groups with people they have never worked with before which is probably how it is going to be in a major incident and we have people coming in from Puerto Rico, Florida, law enforcement officers from all over the United States. You are going to be pulling agencies and resources from all over and it forces you to do table top exercises and live drills to reinforce your confidence in dealing with these major situations when they might seem extremely out of our range to be able to deal with but there are resources out there to do this.

Chief LeFever said next week they will be hosting an armors class for rifles and shotguns. Last year they received a free patrol rifle for the one they hosted last year and this year we will be receiving one additional rifle, possibly two additional rifles for filling another class. These are ways that we can train our people, bring in other agencies for training and benefit the Village while we are doing it and get things that we do not have to spend our money on that we would have otherwise.

Chief LeFever said he has had two meetings so far with Beth Dalvi and Yvonne Clippinger in regards to some ideas for the seniors and special needs residents in the village. This could be for residents that have a medical problem, or a handicap or something that they may not be able to take care of themselves or family members may be concerned about their well being in a major storm, power outage, and things like that. We have put together an excellent packet of materials provided by Delaware County and we have also tapped into some other resources, Yvonne has taken it upon herself to take on the end of the project that has been holding us up and that is identifying people who may have special needs and seniors in the community and we now have that list generated so that we go out door to door and begin talking to people. We are also hoping to put together a refrigerator magnet with emergency contact numbers, transportation, more or less just raising awareness among that population and letting them know that we are here as a Village and as a Police Department if there is something that we can be of assistance to them in a time of need.

Chief LeFever said that he was approached by both Shirley and Ed and several times over the last few months we have had a lot of networking problems at the office so he did bring in someone to redo the network and the chief donated his time to help with that project. He said they basically reran the wiring. This is a temporary thing and the benefit to the way we did the network, it is much more stable now, it is much more secure, we haven't had any issues with it since it has been done but most importantly it is going to give us the expandability when we go into the new building, this is all material that can go over into the new building with plenty of room to grow.

Mayor Monahan said that Officer Litzinger was called to go over and help out over on I71 as she was the only female officer in Delaware County and they had to do a female search. Chief LeFever said that is the second very positive experience that we have had that way. We have four female officers now. The County is fairly slim in the amount of female officers they have

working on certain shifts, especially second and third shifts. He said we were called up to Genoa Township recently to pat down a drug suspect, the officer did a basic pat down but it was a female, there were no female officers available, so we sent Officer Diamond and when she conducted her search she found a knife in her bra.

Visitors

Greg Bertison, Bogey Bar & Grill, was present to talk about his request for a variance from the noise ordinance during the Memorial Tournament events. Greg said he is glad to be back again this year. He showed Council the layout they have planned. He said two of the tents are already up. They are going to have an 82 by 82 tent up on the volleyball courts. They are going to have a snap together hard surface flooring to put down on the court and that is going to make it a much more useable space. The tent is going to come right to the edge of the volleyball courts and the stage is going to be in the center of the wall of the tent where in the past it was in the corner. The stage will be facing due east. Mayor Monahan said he does not want the noise to be pushed over into the residents. Greg said when the stage was in the corner the noise bounced off the tents and they thought that was more of a detriment and this will probably have more noise mitigation by shooting it straight back. Greg said when they had the meeting with Dublin, Mark said there were no calls last year about the noise. Council member Dalvi asked if it changed anything with their parking situation. Greg said the other component with this is we have the frat party out back which is the traditional tournament party; up front we are going to have approximately 30 to 40 different samplings of beers which will be free. People will buy coupons to purchase tastings and incorporated with that they are also going to do food trucks, we have five different food vendors that are going to come in. This will give an alternate feel to build the event up a little better. He said parking will be at the west end of the lot and also out back in the 47 acres. Chief LeFever said last year the noise level did not exceed the approved level and he thinks with the stage setting back a little bit further and the sound coming out this way, it might be better. Council member Callender asked if the parking lot will have a tent or will it be open. Greg said there will be 8 - 20 by 20 tents on the outer edges and in the center the tent will be 20 x 16 and it will all be gated off. They will have portable lights out in the parking lots. The beer tasting tent will be shut down when the music starts. Council member Gauldin said with the change of the stage location can the Chief make sure that they know if the noise levels are getting too high. Chief LeFever said that what they usually do is measure the noise every two hours unless he notices that something is unusually loud he will measure it more. Greg said they are using the same sound company that they used last year.

Communications

Mayor Monahan gave the following report:

An email about 55 Muskingum

From: Gino <rrmlc26@yahoo.com>

To: Mark Katzenbach <mark.katzenbach@shawneehillsoh.org>

Date: April 15, 2012 at 7:51 PM

Subject: Re: 55 E. Muskingum Dr.

Hello Mark,

I've had a change of plans after see the condition of the foundation. I am to meet with Bill to buy

the lots and build a new home on the lots. I have been doing re- search on homes in the 1200 to 1500 sq. ft. range. I plan on tearing down the home or seeing if fire department wish to do practice with it. Will keep you up to date.

Thanks Gino Zimmer

I did receive a thank you from Frank Harmon at the Ohio Insurance Services Agency thanking us for our business.

I asked Lucy Plahy the President of the Shawnee Hills Chamber if she would consider asking Chris Anderson and she to work with us to potentially form an Economic Development strategy for attracting the right businesses to Shawnee Hills. Lucy will come back to me on this. It is something Mahesh and I have discussed in the past and I believe with the new Veterinarian Clinic starting under construction, the improved possibility of the Bowers Property being developed, the improvement to the Priestino property with the house being torn down and the improving economy this may be the time to jointly work toward the attraction of good businesses.

I was contacted by Larry Burchfield, our Village Forrester, asking if we would look into mature tree preservation as it applies to construction. We realize it isn't always possible to save mature trees when a new structure (home or business) is being constructed on lots in the Village but interested in seeing what other Communities do to address this.

The concept may be when someone files for a permit to build the Forrester is called and an attempt could be made to save mature trees if the respective structure could be repositioned on the land. Larry was disturbed that two large oak trees had to be removed with the home design being built on West Reindeer and wondered if it could be avoided where possible.

I have asked Mark K to research what other Communities have done and intend to start that through the process of consideration with Planning and Zoning.

Mayor's Report

Mayor Monahan gave the following report:

Email from Brian concerning the lot trade/purchase transaction with the Bowers. I am very glad it worked out but disappointed in the 11th hr change in the screening and suspect this was a wrinkle introduced by the Bowers attorney and not by Jim.

From: Brian M. Zets [mailto:bzets@wileslaw.com]

Sent: Thursday, April 19, 2012 2:11 PM

To: Ed Swanson; Shirley A Roskoski

Cc: Pat Monahan

Subject: We have agreement [WBBB-DMS.FID494726]

Ed/Shirley -

Great news! Attached is the final version of the Bowers/Shawnee Hills land contracts. The language about the screening was removed. And, we agreed to share equally the cost of the title work. I forwarded these to Joe Frasch. He will secure the Bowers' signatures. We need to execute three copies of each contract- 1 for your file, 1 for my file, and 1 to return to Joe Frasch.

Brian M. Zets, Esq.

Wiles, Boyle, Burkholder
& Bringardner Co., LPA

I received an invitation from Mayor Coleman's office stating:

As you know, public safety is one of the most important priorities for any mayor. For that reason, I invite you to join Mayors against Illegal Guns, a bipartisan coalition fighting for common-sense measures to reduce gun crime while respecting the Second Amendment rights of law abiding citizens.

More than 12,000 Americans fall victim to gun murder every year, averaging 34 lives lost every single day. In 2011, more than 50 brave law enforcement officers were shot and killed in the line of duty.

Statement of Principles

Whereas: 30,000 Americans across the country are killed every year as a result of gun violence, destroying families and communities in big cities and small towns; and

Whereas, as Mayors, we are duty-bound to do everything in our power to protect residents, especially our children, from harm and there is no greater threat to public safety than the threat of illegal guns:

Now, therefore, we resolve to work together to find innovative new ways to advance the following principles:

- Punish – to the maximum extent of the law – criminals who possess, use, and traffic in illegal guns.
- Target and hold accountable irresponsible gun dealers who break the law by knowingly selling guns to straw purchasers.
- Oppose all federal efforts to restrict cities' right to access, use, and share trace data that is so essential to effective enforcement, or to interfere with the ability of the Bureau of Alcohol, Tobacco, and Firearms to combat illegal gun trafficking.
- Work to develop and use technologies that aid in the detection and tracing of illegal guns.
- Support all local, state, and federal legislation that targets illegal guns; coordinate legislative, enforcement and litigation strategies; and share information and best practices.
- Invite other cities to join us in this new national effort.

I believe everyone received a copy of the Staff Report associated with the Ordinance 06-2012 = Bogey noise ordinance.

The Planning and Zoning Board will be meeting tomorrow evening, 4-24 at 7PM in the Municipal bldg.

As part of the Agenda Brian Zets will come and discuss Annexation with P&Z and what it would take for us to precede in that direction should the situation arise.

If the Chief hasn't already covered it I would ask him to elaborate on some of the recent training our officers have been involved in and what is coming up this week.

I would like to welcome on record our newest resident J.J. McVan and congratulate Mike, Stacey and CJ on his arrival.

Once we get the drawings from Bill I would suggest we may want to have a Building Committee meeting.

I have asked Ed to work with Pomeroy (Village Engineer) and get the sidewalks ready so they along with the Building can keep moving forward and out to bid when ready.

Legislative Actions

Third Reading- Resolution 10-2012 – A Resolution that the Village of Shawnee Hills host a Village wide Summer Picnic to celebrate 71 years as a Village at the Ohio Wildlife Center. It was moved by Callender, seconded by Dalvi to pass Resolution 10-2012. Following vote on the motion was recorded: yea, 6; Callender, Dalvi, Garren, Gauldin, Mathews and McVan. Nay, none. Chair declared Resolution 10-2012 passed by a 6-0 vote.

Second Reading- Ordinance 04-2012 – 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, 2012 and declaring an emergency. It was moved by Gauldin, seconded by Dalvi that the rule requiring readings on three separate days be suspended and this ordinance shall pass on its second reading. Following vote on the motion was recorded: yea, 6; Callender, Dalvi, Garren, Gauldin, Mathews and McVan. Nay, none. Chair declared the motion passed by a 6-0 vote. It was moved by Gauldin, seconded by McVan to pass Ordinance 04-2012. Following vote on the motion was recorded: yea, 6; Callender, Dalvi, Garren, Gauldin, Mathews and McVan. Nay, none. Chair declared Ordinance 04-2012 passed by a 6-0 vote.

Second Reading- Resolution 13-2012 – A Resolution to authorize the Administrator and Fiscal Officer to enter into a contract with Kincaid Wastewater Services, Inc. as operator for the sanitary sewer pump station for the Village of Shawnee Hills, Ohio

Second Reading- Resolution 14-2012 – A Resolution to authorize the Administrator and Fiscal Officer to enter in a contract with Eric J. Burden for Prosecutorial duties for the Village of Shawnee Hills, Ohio

Second Reading- Resolution 15-2012 – A Resolution to hire Wiles, Boyle, Burkholder and Bringardner as a contractual employee for the Village of Shawnee Hills, Ohio

Second Reading – Resolution 16-2012 – Sponsored by the Safety and Finance Committee and Mayor Monahan – A Resolution confirming the Mayor’s appointment to hire Russell Baron as a full time Police Officer for the Village of Shawnee Hills, Ohio and declaring an emergency. It was moved by Garren, seconded by Gauldin that the rule requiring readings on three separate days be suspended and this resolution shall pass on its second reading. Following vote on the motion was recorded: yea, 6; Callender, Dalvi, Garren, Gauldin, Mathews and McVan. Nay, none. Chair declared the motion passed by a 6-0 vote. It was moved by Gauldin, seconded by Dalvi to pass Resolution 16-2012. Following vote on the motion was recorded: yea, 6; Callender,

Dalvi, Garren, Gauldin, Mathews and McVan. Nay, none. Chair declared Resolution 16-2012 passed by a 6-0 vote.

Second Reading- Resolution 17-2012 – Sponsored by the Safety and Finance Committee and Mayor Monahan. A Resolution to decrease the amount of hours per week that Officer Todd Ekleberry works for the Village of Shawnee Hills, Ohio and declaring an emergency. It was moved by McVan, seconded by Gauldin that the rule requiring readings on three separate days be suspended and this resolution shall pass on its second reading. Following vote on the motion was recorded: yea, 6; Callender, Dalvi, Garren, Gauldin, Mathews and McVan. Nay, none. Chair declared the motion passed by a 6-0 vote. It was moved by McVan, seconded by Garren to pass Resolution 17-2012. Following vote on the motion was recorded: yea, 6; Callender, Dalvi, Garren, Gauldin, Mathews and McVan. Nay, none. Chair declared Resolution 17-2012 passed by a 6-0 vote.

Second Reading- Resolution 19-2012 – Sponsored by the Service Committee – A Resolution to authorize the Administrator and Pomeroy and Associates, LTD. to issue a competitive bid package related to the paving improvement project for the Village of Shawnee Hills, Ohio

Second Reading- Ordinance 05-2012 – Sponsored by the Safety and Finance Committee and Mayor Monahan – An Ordinance creating a new part-time Police Officer position and declaring an emergency. It was moved by Dalvi, seconded by Gauldin that the rule requiring readings on three separate days be suspended and this ordinance shall pass on its second reading. Following vote on the motion was recorded: yea, 6; Callender, Dalvi, Garren, Gauldin, Mathews and McVan. Nay, none. Chair declared the motion passed by a 6-0 vote.

First Reading – Ordinance 06-2012 – 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 Events and declaring an emergency. It was moved by Callender, seconded by Dalvi that the rule requiring readings on three separate days be suspended and this ordinance shall pass on its first reading. Following vote on the motion was recorded: yea, 6; Callender, Dalvi, Garren, Gauldin, Mathews and McVan. Nay, none. Chair declared the motion passed by a 6-0 vote. It was moved by Gauldin, seconded by Dalvi to pass Ordinance 06-2012. Following vote on the motion was recorded: yea, 6; Callender, Dalvi, Garren, Gauldin, Mathews and McVan. Nay, none. Chair declared Ordinance 06-2012 passed by a 6-0 vote.

First Reading- Resolution 20-2012 – A Resolution in the matter of accepting the report of the Village of Shawnee Hills Tax Incentive Review Council (TIRC) of the status of the Tax Increment Financing (TIF) area program for program year 2011 and to accept the recommendations of the TIRC and declaring an emergency. It was moved by Callender, seconded by Dalvi that the rule requiring readings on three separate days be suspended and this resolution shall pass on its second reading. Following vote on the motion was recorded: yea, 6; Callender, Dalvi, Garren, Gauldin, Mathews and McVan. Nay, none. Chair declared the motion passed by a 6-0 vote. It was moved by McVan, seconded by Mathews to pass Resolution 20-2012. Following vote on the motion was recorded: yea, 6; Callender, Dalvi, Garren, Gauldin, Mathews and McVan. Nay, none. Chair declared Resolution 20-2012 passed by a 6-0 vote.

Bills

It was moved by McVan, seconded by Mathews to pay the bills in the amount of \$25,886.07. Following vote on the motion was recorded: yea, 6; Callender, Dalvi, Garren, Gauldin, Mathews and McVan. Nay, none. Chair declared the motion passed by a 6-0 vote.

Treasurer’s Report

It was moved by Gauldin, seconded by Garren to approve the following treasurer’s report: General Fund 250,263.02, Street Fund 70,600.00, State Highway Fund 1,156.79, Enforcement and Education Fund 1,985.00, Mayor’s Court Computer Fund 3,528.72, Fire Fund 119,721.06, Weed Fund 10,002.15, TIF Fund 13,949.34, TIF 2 Fund 2.43, Veteran’s Memorial Fund 530.94, Capital Projects Fund 103,092.50, Sewer Operating Fund 32,790.10, Sewer Replacement Fund 96,000.00, Storm Sewer Fund 11,348.91, Debt Service Fund 53,004.39 and Debt Service Reserve Fund 98,201.28 for a total of \$866,176.63. Following vote on the motion was recorded: yea, 6; Callender, Dalvi, Garren, Gauldin, Mathews and McVan. Nay, none. Chair declared the motion passed by a 6-0 vote.

There being no further business, it was moved by Gauldin, seconded by Garren to adjourn until May 14, 2012. Following vote on the motion was recorded: yea, 6; Callender, Dalvi, Garren, Gauldin, Mathews and McVan. Nay, none. Chair declared the meeting adjourned at 7:54 p.m.

Fiscal Officer

Mayor