

Village of Shawnee Hills Council Meeting

August 13, 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

It was moved by Garren, seconded by Callender to approve the minutes of July 23, 2012 with the following amendments: on page 6 and 11 remove the duplicate wording and on page 14 add the Mayor told Mark to get some pictures of the village. 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 Dalvi, seconded by Garren to approve the agenda. 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 he worked on a couple of A Unit staffing issues with the Chief, nothing too notable, just some general questions. Most of his time since last meeting has centered around the legislation that you have before you tonight which deals with the City of Delaware and our prosecutors contract up there, a contract for the Village Administrator and the legislation to clean up what happened in 2008 a couple of weeks before he was actually hired and worked on the private parks legislation and issues involving those things.

Brian also informed Council that he talked to Paul Lafayette, our insurance counsel, and Mr. Daulton has chosen to let the courts decide the outcome of his BZA Appeal. He is not interested in having a rehearing.

Administrator

Ed Swanson said that he worked with the Engineer and Shirley to complete and mail in the required EPA annual audit. We generally do not hear anything back from them once it's turned in. He said he had several calls and meeting with the vet clinic concerning the construction of the building and the parking lot. It's kind of an ongoing process and everything is working OK.

He spoke to Paul Hammersmith from the City of Dublin in regards to the SR 745 and Glick Road intersection. Paul said that he had somebody going to a meeting with ODOT and they would get back to him with an email or phone call and Ed has not heard back from them yet so he will follow up with them.

Ed said that he and Charlie met with Pomeroy concerning their billing at \$120.00 per hour per their contract with us. The deal was, just like CPS a lot of the work was supposed to be done by a technician, like Edgil Williams did for us at CPS, so a lot of the work was supposed to be done at \$80.00 per hour and that was not happening. When they met with them they agreed to have the engineer do it at the \$80.00 range where applicable and they went back and readjusted some of the bills we had already received. Ed said they have been good to work with so far.

Ed informed Council that the streets went out for bid on Saturday and the building bid should go out at the end of this week or next week. We hope to get the waterline project done this year also. Mayor Monahan asked if we go for funding once the bids are in on the building. Ed said yes. Mayor Monahan said then it goes to the necessary votes for approval. Ed said yes. Mayor Monahan asked if there were any other votes for the paving. Shirley said yes, we have to accept the contract.

Council member Dalvi asked if there was an update on the East Old Powell Rd. Park. Ed said he has not worked on that. Mayor Monahan said we will get back to that, it becomes more complex, when we said it belongs to Leatherlips, part of it does, the other part belongs to the Fischer's.

Visitors

Tim Suter, First Energy, thanked everyone for returning the surveys that were sent out. He said he came tonight to talk about their ESP, which is the Electric Security Plan filed with the PUCO and typically they go two years and they asked the PUCO to give us a four year look and they did approve it and he supplied council with some highlights of the reasoning. He said they are

forecasting some spikes in pricing until you get replacement plants of natural gas and other abundant energies. This ruling from PUCO helps them try to stabilize pricing until May 31, 2016. The other component of your bill is in distribution, that's the guys coming out and fixing poles and wires, regular maintenance and that is going to be stable until May 2016 also. He said you will probably see an uptick in prices since we have been at a historical low for the past four to five years with the auction process, so we are just trying to safeguard against anything really piling up on you.

Council member Dalvi asked about the mailer that he received about locking the price in for the next seven years. Tim said that there are two or three different programs out there and you just have to decide which program is going to be best for you. Council member Dalvi asked Tim if he could send some more clarification to the Village in regards to this.

Communications

Mayor Monahan gave the following report:

The E. Parkview Park project is underway and will be an effort led by Brandon Wolfe the Eagle Scout candidate who visited our Council meeting in July. He will work with Mark and Ed. The legislation you have before you tonight, Ordinance 13-2012 is to re-designate the currently designated Park space as private park space for the use of the residents of Shawnee Hills and their accompanied guests.

Mayor's Report

Mayor Monahan gave the following report:

The Newsletter went out last week and I have received good comments and questions about the intersection.

From: Watzka, Breanna [mailto:Breanna.Watzka@dot.state.oh.us]

Sent: Wednesday, August 01, 2012 11:41 AM

To: pmonahan@columbus.rr.com

Cc: rriley@co.delaware.oh.us

Subject: Glick Road Closure

Good morning,

I wanted to follow up about an email forwarded to me from the Delaware County Engineer's Office about the closure of Glick Road on the SR 257 project by the zoo. At this time, ODOT does not have an exact date for the Glick Road closure, but the project manager estimates it will be the beginning of October. The Glick Road closure is one of the final phases of the project. Prior notification will be sent out as soon as we have a firm date, most likely a week or two ahead of time.

Please let me know if you have additional questions or concerns.

Thank you,

Breanna

Breanna Watzka

Communications | District 6

The Ohio Department of Transportation

I believe Finance will be meeting this Wed. evening at 6PM

If anyone knows of an eligible resident (1 year in the Village) that would be interested in serving on the BZA please let me know this week. We need to determine the status of the 2 current members who have for sale signs up on their homes and make the necessary appointments with your concurrence.

We tested all the police numbers and all the numbers were correct, the web, the cell phone and the office number for the police. The recordings were correct also.

Committee Reports

Council member Garren said that Safety met and during the last Council meeting there was an issue presented regarding one Saturday when our police department was unable to staff some of our daytime hours, during that time there was a disturbance at one of the residents homes and the response from the Sheriff's department took them several hours to get out there. The Safety Committee reviewed the incident in our meeting on August first. We do have an exemplary Police Department and this particular incident occurred because of very unusual circumstances that could not have been predicted. She said that our department currently is not full time and it really is not financially feasible to go full time so the goal of our discussion was around how can Council best support the Chief in his efforts to cover all critical shifts. We reviewed the overtime policy, the Chief had some old documentation stating that there was not overtime so Shirley did some research and found that overtime was allowed and that the Chief had the power to go ahead and allow overtime if needed. We do want to use comp time primarily but he does have that as

another tool in his toolbox. Also he has mandated that all A Units are required to work one weekend shift per month. Hopefully that will help cover the spaces on the weekend and also we are going to advertise for A Units specifically for weekend coverage. We are also going to talk to finance about perhaps looking at some type of a contingency pool or an emergency fund for overtime if in this particular case the Chief may have had it in his budget to authorize the overtime but we want kind of a contingency fund there in the event that the budget is already currently allocated. On that respect, Safety did all vote to move forward with this contingency fund and to take that to the Finance committee. Hopefully taking some of these steps will give the Chief what he needs to be able to cover some of those critical hours but it does need to be noted that we are not a full time agency. It just is not financially feasible for us to do that at this time but we did come up with some solutions.

She said they also had Eric Burden, Prosecutor, at the meeting to review any of the cases that they need to talk about, actually communications with him are going very well. The reports are very helpful and give us a very clear understanding of the activities in Mayor's Court, so overall we are looking good there. She said we may want to consider a collection company, maybe for nonpayment. Mayor Monahan said he has asked Joyce to take a look at the last year of things that we have not been able to collect first and then look at an extended period of time.

Legislative Actions

Second Reading- Ordinance 11-2012 – An Ordinance adopting and enacting an amended Public Records Retention Schedule for the Village of Shawnee Hills, Ohio. Council member Dalvi said he remembers asking a question the last time about the media and in terms of how we do the retention. Mayor Monahan said the media right now is paper and what he would suggest that the question go back to the digital committee. Council member Dalvi said his question was can we digitize the records or do they have to be in paper form. Brian said he does not know if you want to get rid of the original public record. Mayor Monahan said rather than speculate do some research and come back with it. He said we do not keep some records forever, we just keep them for a period of time and then we can have them shredded. Shirley said after the last council meeting someone stopped in at the office and they are a company that does the scanning of the records and then it is put on a CD and she was going to bring it up at the Finance Committee meeting.

Second Reading – Resolution 26-2012 – A Resolution in the matter of the approval of the Delaware, Knox, Marion, Morrow Solid Waste Management District Plan update.

Second Reading – Ordinance 12-2012 – Sponsored by the Service Committee – An Ordinance to amend Chapter 351.14(b) of the Codified Ordinances of the Village of Shawnee Hills, Ohio (Parking of Motor Vehicles)

First Reading- Ordinance 13-2012 – An Ordinance designating and setting apart existing public property as private park space for the use and enjoyment of Village Residents and their guests only

First Reading- Ordinance 14-2012 – 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. Shirley said that she forgot to budget the money for the street paving project and then the cameras need to be replaced in the cruiser so she just added it to this ordinance. Council member Dalvi said when we reappropriate funds we at least need a little time to review it at the Finance committee. Council member Gauldin said the first thing is the law enforcement supplies, where is the money coming from and where is it going to, is it staying within the police department fund or is that coming out of the general fund. Shirley said it is general fund money that we are adding to the police department. It is money that has not been appropriated yet. Council member Garren said so this is for the cameras. Shirley said the police department does not have enough money in their budget to take care of all the expenses for three new cameras so they are adding some to their budget. Council member Callender asked if this unforeseen problems with the cameras. Chief LeFever said originally what was happening was that we were going to go to finance this week with it, basically what the situation is with the cameras, we have had some problems with them over the last couple of years, they are the old VHS system and we applied for a grant to replace them and we did not get the grant. Our Prosecutor approached us and said look, we are pleading out cases, we have some cases that are recorded, some that are not, some that say they are recording and then there is no audio so the problem has become pretty consistent between the three cameras. We've bought used parts, we've replaced everything that we can replace, we have had them repaired, at this point the cost and the liability of not having everything recorded is there so what their intention was they sent something out to safety and asked if they supported it and then finance was supposed to meet last Thursday and it was rescheduled to this Wednesday. Mayor Monahan said

the cameras are about ten years old. Council member Dalvi said from a process perspective we always review the option in finance and safety then said go ahead and proceed. He said if it is at the end of a life cycle we should replace it it's just that we need to follow the process.

It was moved by Gauldin, seconded by Callender 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 McVan to pass Ordinance 14-2012. Following vote on the motion was recorded: yea, 6; Callender, Dalvi, Garren, Gauldin, Mathews and McVan. Nay, none. Chair declared Ordinance 14-2012 passed by a 6-0 vote.

First Reading - Resolution 27-2012 – A Resolution authorizing the Village Administrator and Fiscal Officer to execute a professional services agreement with the City of Delaware (for Prosecution Services) and declaring an emergency. Mayor Monahan said this was going to be declared an emergency but we are not asking to do that tonight. Brian said this was based off a 2004 contract and it is \$500.00 minimum which is an increase of \$250.00 from 2004 and we have to pay our one for 2013 within 14 days from whenever we sign the contract and then the next will be due next year. That is basically for them to handle cases when people go up to arraignment in Delaware. When people plead not guilty, the contract considers that a contested case and this is \$150.00 per case and they will handle them which is also reasonable so it will be \$500.00 plus the cost of any contested cases. Brian said the only reason he said not to pass this as an emergency is that Eric talked to Mark Corrotta, the prosecutor and Delaware is revisiting how they are handling all their municipalities and Eric did not think it was going to spell bad news for us or anybody else but he did not want the village to pass this as an emergency just in case Delaware changed something.

First Reading- Resolution 28-2012 – A Resolution repealing Resolution 10-2008, approving and confirming the Mayor's Appointment of Ed Swanson as Village Administrator, authorizing and directing the Mayor to execute an employment agreement with Ed Swanson and declaring an emergency. Brian said that back in 2008 Council hired Ed with a Resolution and the Revised Code allows for Council to approve the Mayor's Appointment and how he is hired is set up by statute not by resolution so we have created an employment contract to allow Ed the ability to earn comp time since he is a part time employee so this will pull him out of the Personnel Police Manual. Mayor Monahan said it is a one hour for one hour since he is part time. It was moved by Dalvi, seconded by Gauldin that the rule requiring readings on three separate days be suspended and this resolution 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 Callender, seconded by Gauldin to pass Resolution 28-2012. Following vote on the motion was recorded: yea, 6; Callender, Dalvi, Garren, Gauldin, Mathews and McVan. Nay, none. Chair declared Resolution 28-2012 passed by a 6-0 vote.

Bills

It was moved by Callender, seconded by Dalvi to approve the bills in the amount of \$49,090.25. 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 Dalvi, seconded by Garren to approve the following treasurer's report: General Fund 278,335.92, Street Fund 112,752.14, State Highway Fund 2,014.15, Drug Law Enforcement Fund 120.00, Enforcement and Education Fund 1,985.00, Mayor's Court Computer Fund 5,054.34, Fire Fund 186,456.74, Weed Fund 7,019.81, TIF Fund 15,129.41, TIF 2 Fund 4.86, Veteran's Memorial Fund 580.94, Capital Projects Fund – Building 100,438.36, Capital Projects Fund – Intersection 50,000.00, Sewer Operating Fund 22,521.67, Sewer Replacement Fund 96,000.00, Storm Sewer Fund 6,979.15, Debt Service Fund 84,376.73 and Debt Service Reserve Fund 98,380.97 for a total of \$1,068,150.19. 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.

Miscellaneous

Council member Gauldin thanked Ed for replacing the crosswalk sign. Mayor Monahan thanked Mark for putting up some slightly smaller flags on the lights. Ed thanked everyone for approving his contract.

There being no further business, it was moved by Garren, seconded by Callender to adjourn until August 27, 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 7:45 p.m.

Fiscal Officer

Mayor