

## Village of Shawnee Hills Council Meeting Minutes

July 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 and Mike McVan.

Absent: Dan Mathews

Also Present: Fiscal Officer Shirley Roskoski and Solicitor Brian Zets

It was moved by Callender, seconded by Gauldin to approve the minutes of July 9, 2012. Following vote on the motion was recorded: yea, 4: Callender, Dalvi, Gauldin and McVan. Nay, none. Abstain, one: Garren. Chair declared the motion passed by a 4-0 vote.

It was moved by Garren, seconded by Dalvi to approve the agenda. Following vote on the motion was recorded: yea, 5; Callender, Dalvi, Garren, Gauldin and McVan. Nay, none. Chair declared the motion passed by a 5-0 vote.

### **Solicitor**

Brian Zets said they received a public records request from the Other Paper, they had requested information about the Stoneburner and Mewhort report. He said they sent them the same documents that they had sent to everyone else. Brian said he answered some questions for the Chief regarding scheduling of auxiliary officers. He said the big three issues he worked on were the parking spaces near the Aspen Energy building, and the public parks on E Parkview and E Old Powell. He said with respect to the parks there is no legislation on the agenda for tonight. Brian said on E. Old Powell, that land that sits at the end of E. Old Powell is not owned by the village, it is owned by the Leatherlips Yacht Club so it is impossible for the village to create a park on property that is owned by Leatherlips Yacht Club, not the village. Mayor Monahan said as a follow up to that, that is discouraging news but when Ed returns we are going to see if there is a possibility that they would consider trading that sewer lateral for that space. Council member Dalvi said the question he has is, we went through the survey, we went through the design, we approved all of that stuff, and we didn't realize that we didn't own it. Mayor Monahan said we thought it was our access but the end result was it's the last of the abandoned roads in the village. Council member Dalvi said we need to understand just what property the village owns and he asked for a list of all the property that the village owns. Brian said on E Old Powell there is road right of way there because it is the unimproved portion of E Old Powell Road, so there is right of way that extends but the property itself is owned by Leatherlips Yacht Club. Brian said with respect to E Parkview, if you look on the map it's actually designated park area. So that doesn't need to be designated as park space and his question to Council is do you want that to be designated as a private park. Mayor Monahan said since there is a little water there someone might think they can fish there and the idea was as private park space it is just for the residents of Shawnee Hills. Brian said that is where he was not clear since it was already park land and he will prepare legislation for a private park for the next council meeting.

Brain said he wanted to talk briefly about Bill Daulton's appeal from the BZA. He said he talked to Paul Lafayette, our insurance counsel, and he filed our brief and there was some discussion between Paul and Bill Daulton's attorney as to whether or not, at least a resolution of the appeal could be to kick the matter back to the BZA for sort of a redo hearing. The facts are what they are, there were some things procedurally that were a little squirmy with respect to the BZA hearing, like the witnesses weren't sworn in and some other issues. Brian said he is not saying we are going to lose the appeal but he and Paul talked and if Mr. Daulton will agree to this, he hasn't signed off on it, but his attorney has and if he can convince Bill another BZA hearing may be a good idea to at least get a full record, BZA can make whatever decision it is going to make. With respect to that second hearing Mr. Daulton is asking that the application fee be waived. Mayor Monahan said one of the conditions with the BZA, one he would like a comprehensive email sent out saying remember you have to do these things. He said we have two seats on the BZA with houses for sale and he has already shot something to Wayne Gordon and asked where he was with his sale and Jim Groves says he is intending to stay in the village. He said he would like to have a full BZA for training. Mayor Monahan said he has no problem with it coming back for another hearing. Brian said this does not mean the matter is going to go away. If he comes back for another hearing and the BZA makes a decision that Mr. Daulton likes, that will probably be the end of it, if they make a decision the Mr. Daulton doesn't like, you may have another appeal but at that point you will have a full record. Mayor Monahan said he agrees with Brian but he thinks some email instructions should be sent out. Shirley suggested that Brian attend the BZA meeting. Mayor Monahan said that might be a better way to go or talk to them in advance because he wants to make sure it is followed. He said that is the problem with BZA, nothing against them, but they meet only a few times in a couple of years. Shirley said that is the only meeting in all the ones she has typed up for them that they did not swear in witnesses. Brian said if this is what Council would like he can pursue the issue further by talking to Paul and Paul will talk to Daulton's attorney and see if they want to have another meeting. Mayor Monahan said if there is anything we can negotiate here, we are far better to do it here than to have the court make a decision. Brian said he agrees, there are different scenarios of what happens on appeal, the Court of Appeals could just affirm the decision, the Court of Appeals arguable, they could reverse it and give some instruction and then truly you are having the Court of Appeals dictate what happens in the village which is never a good idea. He said there is a chance they could remand it back to the BZA themselves but he is not sure if case law actually allows that to happen. Council member Gauldin said he thinks it is a more neighborly thing to encourage them to come back and hear it again. He would be for that himself. Council member Garren said she would like to make sure that the proper process is followed. Mayor Monahan asked Brian to send out an outline and to attend that meeting if it comes back. Council agreed that Bill Daulton can come back for another BZA hearing. Brian said Mr. Daulton may say no but they will check into it.

### **Administrator**

Since Ed is absent Mayor Monahan gave Ed's report.

Funds from our grant award for street repair in 2012 of almost \$200,00.00 has been released with the actual repairs to begin in early October.

Work to replace and add additional water lines on the west side of village(including addition of more hydrants) will begin in late fall/early winter depending on weather. It is possible that

construction may have to wait till spring though we are pressing hard to make it this year. Project is now being engineered and must go out to bid.

Five concrete pads have been poured along SR745 for placement of custom made wrought iron benches by Fortin Iron Works. Two of the benches will be installed next week. One has been donated by Robin Fellure in memory of her late husband Tim. The second bench is a donation from the Shawnee Hills Chamber of Commerce. Anyone interested in a bench please contact the village office.

Mayor Monahan said that Dan Fortin told him that he can honor the \$800.00 cost for the bench through the end of the year because the laser cuts have to be outsourced.

### **Police Chief**

Chief LeFever said they did submit this week for reimbursement from the taser that was purchased. Council had approved \$2,500.00 for this purchase and the amount we are getting back is \$2,465.00. That should be coming any time. He said they are also working on the DRE grant which is the Drug Recognition Expert grant. That has been in the works for about two months and they did the final submission for that today. That will be to get one of our officers through the DRE course and basically what that does is give expert credibility to narcotics, drugs and alcohol related cases and also a resource. He said there are only 8 DRE officers certified in Central Ohio and 14 in the state of Ohio so it is a very small percentage of people that are selected for that training and it looks like we are going to get a spot in it. Chief LeFever said they just completed the body armor grant and we have received that award the last two years and it looks like we will be granted that again this year. He said any armor, body armor, ballistic material, anything at all we purchase we will receive at a minimum 50% of that money back. He said they are working on another grant for newer camera systems that don't rely on VHS as we have had some problems with our cameras. The newer cameras make it a lot easier to store data and are a lot more efficient and have better recording quality and several other features. Some have a thirty second rewind feature so if an officer activates their lights and siren it automatically goes back thirty seconds and records what happened prior to that, we do not have that feature now. Same with the microphone, if an officer gets too far away from the cruiser it will send them an alert, if an officers vehicle is struck while they are on a traffic stop, the camera software will detect that and send a signal to our radios. There are a lot of neat features that our systems are not capable of.

Chief LeFever said he supplied everyone with a Cops and Kids flyer and as you know we participate in this every year and it is a great opportunity. He asked that word be spread to your friends and family. He said they have helicopters, canine units, bomb squad, robots, dunk tanks and it is a really neat opportunity for kids and the purpose of Cops and Kids is to bring kids closer to Police Officers and to bridge that gap where some people think cops are the bad guys. He said it is a really neat event and there are a lot of free things and it is very enjoyable for adults also.

Chief LeFever said he mentioned at the last council meeting that Officer Sean Greenlee had left us to go to the Columbus Police Department but due to some unforeseen events, Officer Greenlee has rejoined us and we are glad to have him back. He said Officer Stacey Raines who has been with us for a while has been released from her FTO a couple of weeks ago and will be out on the streets on her own now.

He said they are reviewing several applications right now; they have three active backgrounds going for additional officers and they have three pending applications to start backgrounds on. Chief LeFever said they are working on some scheduling issues with our auxiliary units. He consulted with Brian on a couple of questions we had as far as scheduling of the auxiliary units and what we can and can't do since they are volunteers. He said he also had several conversations and emails conversations back and forth with the Mayor and they have come up with a couple of ideas to fill in some of the gaps that we have in the schedule. He said he has a mandatory meeting scheduled with all officers this Saturday that we have had planned for about three weeks now to go over some of these things and see if we can come up with some ways to better the schedule and get more coverage out here from our A units. There will be some new requirements and some changes that we are going to try out and see how they work out and we may have to visit the drawing board again later but we are trying to take some baby steps right now and figure out what is going to make this all work. He thinks this is going to help alleviate some of the current issues we are having with the schedule and he will keep council posted.

Chief LeFever said he invited Sergeant Baron to come and give Council a status update on the drug cases that they are working and will give them as much information as they can.

Sergeant Baron said all the narcotic cases have been given to the drug Prosecutor in Delaware County. He said five people so far have been indicted out of those and they had three cases presented so we are doing pretty well there. Another three cases are pending Grand Jury and another case has already been successful. We have had other felony drug cases go through the court resulting in guilty pleas however those cases weren't possession charges. One person that was charged with a felony drug case failed to appear and he was able to pick him up the next morning with the Marshal's so that is kind of a good kickback to the village with him working with them. He said they have seized and deposited \$120.00 and you saw that at the last council meeting in the drug law enforcement fund. He said currently they have over \$500.00 just sitting and waiting for the forfeiture from the courts. He said that money can only be used for education or enforcement of drug laws so they can purchase drug testing kits or cameras as long as it goes toward education or enforcement of the drug laws. He said they have a vehicle right now that is up for forfeiture and he has spoken with the prosecutor on that and it sounds like it is going to go in our favor. If we get the vehicle seized it is just going to cost us just for license plates from the BMV. Council member Dalvi asked if they are getting prosecuted only for the drug cases or possession of arms also. Sergeant Baron said a lot of them have been indicted for drug trafficking and if the Prosecutor's office wants to make a plea deal he has no say in the matter. He said so far three out of the five have been drug trafficking and they have had guilty pleas and convictions on the cases presented so far. He said one of their cases did turn into something a little bit large, we kind of bit off, not more than we can chew, our case is pretty solid, but the drug task force in Delaware County decided to pull that for us and he can't talk about the case but it is going to be several months before charges are filed on that.

Sergeant Baron said the next thing he has to discuss is the evidence. The Chief had talked previously about the evidence audit and in anticipation of our big 2012 move here he has done the evidence audit and everything is up in the Delaware County Muni Court and he is waiting on them, and it is a fairly large list and he should know in the next few weeks if we can get some stuff destroyed. To accommodate our busy summer season, he did a quick audit on a couple of cases that we were holding a lot of evidence for and most of that has now been destroyed,

waiting on a shoe box size stuff of narcotics that has to be burned. He said with the evidence audit some of the stuff we can destroy and some we convert to law enforcement use and so far this year we had digital camera that was seized and we are now using that for the department.

### **Visitors**

Stacy McVan, 36 E Parkview Dr. was present and she said Saturday, July 14<sup>th</sup> at approximately 11:00 a.m. their neighbors came to her in regards to an incident that they had. Their realtor went to show their house, they could not use the key to get into the house so they actually broke through a window, broke into the house to show the house that they were trying to rent. Stacy said the incident threw her kind of back and she called Pat in regards to what do we do here and Pat said you have to get the police involved so therefore she used the phone number she had to call the Shawnee Hills police and there was nobody there. She texted Pat again and said can you help me out here, we need to file a report and he gave her the Shawnee Hills Police cell phone number and there again at 11:00 on Saturday there was no response. It wasn't until three and one half hours later that the Delaware Sheriff followed up with us and she called them numerous times to find out what the situation was and they said we think the Shawnee Hills Police is here, we are not sure but if they don't come the Sheriff will come. Stacy said she called them back in an hour and said we are still waiting to file a report, what is the situation and they said that they had a more important case happen so we are going to get a sheriff to you whenever possible, so three and one half hours later that's when they showed up. Stacy said she did receive a phone call from the Chief of Police saying that he did have a staff member quit and they weren't fully staffed. Which she understands that happens now and then but she is coming to Council right now because she feels that the safety of the residents was jeopardized here. She asked how do we get police coverage all the time. I know that is something you are working on.

Mayor Monahan said he got the first call from Stacy as he was running out the door so he said let me think about it. He got up to Sears and called Stacy and said it might be best if you file a police report and he knows it's not hers it's really her neighbors. Stacy said correct. Mayor Monahan said he should have checked to see if anyone was working and he asked the Chief since then to go back through to explain where we are on coverage. Mayor Monahan said the one thing he did do is after he found out that there wasn't someone out at that time and Laura Diamond was coming in at 6:00pm he asked the Chief to call Stacy and he believes that the Chief offered to come out and take a report. He said one of the things we do is whenever we have a gap, and we do, is that we know that the Chief can be contacted and he can be out to do some things or we will make some arrangements. In this particular case, what he did following that though is he did find out and correct him if he is wrong, they pushed an air conditioner in, they did not break a window, doesn't make it right and he thinks the people had said they authorized them to get in.

He said he did check our code and there was nothing we have; the question was ten people that possibly work at El Vaquero moving into a little two bedroom house behind them, okay. There have been some multiple people living there in the past that we have had some issues with so what he did he went back and checked our code and we have nothing in that to stop them, because somebody could have 9 kids if they wanted to in essence so what he did, he went to Todd Cooper with an email and asked if there was anything in the fire regulations to stop this and Todd called him last Friday and let him know that they regulate commercial and government but they can't regulate residential. Mayor Monahan said yesterday when he was on his way home he stopped at El Vaquero and talked to David, the Manager at El Vaquero, and every time he

walks in there David asked are we doing anything wrong, because he is very conscientious, and Mayor Monahan said I have two things, allegedly you have ten folks who are going to move into this little yellow house and David said he knows nothing about that and he will check on that and the Mayor told him that would not go over very well, just so you know, it just wouldn't, there's been some history in the past so it wouldn't and second of all while you are in there could you possibly check into getting your alarm system moved to the front of the building rather than the back. He said why would anyone put a burglar alarm in the back so you can listen to it as a resident which I think we can get some attesting to that instead of the front. He said that David is checking on that one too.

Mayor Monahan said he asked the Chief to put together something that said what put us in this position because he agrees with Stacy that we want to have the coverage, we put a lot of work with Safety a few months ago when Russ was hired and we are down to where, unless we have somebody with a broken thumb, we should have three tours not covered throughout the week. Council member Dalvi said he thinks Finance approved the additional hours just recently and we don't want to say publicly where the gap is but he thought it was very small. Mayor Monahan said it is, there's more to it and he asked the Chief to fill us in.

Chief LeFever said we actually have it down to two shifts right now and he just made some quick notes but he does want to address some of Stacy's concerns as well and he said he thinks probably the best way to address is to just let him start from the beginning. He said some of you have been on Safety and Finance and you have heard this before but he wants to give everyone the whole picture. Council member Dalvi said we didn't want to say. Chief LeFever said we are not going to say anything that he thinks will jeopardize the safety of the whole village by disclosing anything like that. Basically ever since he has been Chief and probably before but he can attest since he became Chief which was in, or at least an Acting Chief in March of 2010 we have never had a weekend shift uncovered, ever. He said you can take that to the bank. He said weekends are always a priority to us. Basically what happened, at the end of last year we approached Safety and Finance and basically there were some different scheduling proposals out there, actually some of which ironically, he believes might have come about due to the alarms at El Vaquero and wanting to get late night coverage so any response to that amongst other things we did go to Safety and Finance and we gave several different proposals, we worked through those proposals over the course of a couple of meetings and it was then later supported by the Mayor, Safety and Finance that this was the best option, the most practical at the time for both financial reasons and operational reasons for the Police Department. This was the option that we were going to go with. It was presented to Council and Council approved it. He said part of that were additional hours for Sergeant Baron to go to full time, and this 3<sup>rd</sup> full time position was designed for third shift and weekends so we would have a third shift supervisor and a weekend supervisor which we were lacking up to that point on a permanent basis so this would give us a more permanent solution to that problem. Chief LeFever said some additional hours were also granted by Council to fill in some of the gaps, there were several at the time but we managed to minimize that down to two 8 hour shifts per week that were not covered. Again without disclosing when those are, he looked at our statistics, our arrest records, our citations and he picked where he thought the coverage would be most effective. Council member Dalvi said this was also in reaction to the surge of incidents that happened in Dublin. Chief LeFever said there were a lot of other things that led to this, but in the long run, that's basically what took place; we were given these extra hours. The schedule was pretty solid at that time; we had two shifts that weren't covered and Sergeant Baron actually mixed up his schedule a little bit and so did some

of us to kind of make those two shifts not so similar every week or every other week to kind of keep people on their toes and to not know when we are not here. What happened, how did we get to this point, well, what has happened so far, in early June, the week of the tournament, Sergeant Todd Ekleberry stepped down, he went back to school and his teaching career has taken over his time and he makes substantially more money doing that, it was just the right decision for him to make so 28 hours became open at that time. He said they were filling the spots with A units as we could get them filled but for the most part we managed to get them filled. He said on June 2<sup>nd</sup> he broke his thumb so that put him out of commission. He said he accounts for 40 hours per week and generally speaking he is on patrol probably 30 of those hours. Mayor Monahan said while the Chief is on light duty he cannot be in uniform. Chief LeFever said so for obvious restrictions from a doctor and from workmen's comp if we don't want to incur any additional expense to the village or to himself we have to play by the rules and the rules say he can't work his full job. So that hit us literally the same week as Sergeant Ekleberry. The next thing that happened, one month later, almost to the day, his injury was on June 2<sup>nd</sup>, on July 5<sup>th</sup> Officer Litzinger who was one of our 24 hour paid officers received a call back offer from her job that she was previously on indefinite layoff status. That job paid \$30.00 per hour and she had been there for 17 years. He said he can understand why she made the choice she did to go back to that position so now we are up 24 more paid hours that we are open. So it went from a very solid schedule to a mess and when you operate predominantly off and A unit department and when he says predominately a majority of our staff our A units and then there are a select few of us that have set schedule and cover the primary shifts. He said when we operate off of that kind of staffing, and this is what Brian and I have talked about and what the Mayor and I have talked about, can we make them work, when he has weekends open can he legally say you are a volunteer but you have to come to work so we had to do some research to see if legally we can do that. Council member Dalvi said just to be clear if you are not there, the residents still have the choice to call the Delaware County Sheriff's Office. Chief LeFever said yes. Council member Dalvi said the problem is he does not think the residents are aware of that so when they call for Shawnee Hills normally there is an order of what happens. Chief LeFever said the dispatch is the same, so if you call us via the number that we publish out there, that is the same, the county does the dispatch for us. Council member Dalvi said that is not what Stacy is saying. Chief LeFever said that is why in several newsletters and other things we have put out in the past we even bought magnets here recently to send out to the residents, we try to encourage people not to call the police department for an officer response. You really need to call dispatch because what happens is if you call us directly, one, you may not reach us, if there is only one officer on duty and he is out on the road he is not going to get that call. Mayor Monahan said he probably added to that because when he called Stacey from up at Sears he told her to call the cruiser phone and see who is out so he added to it not knowing there was no one out. Chief LeFever said the other thing that they can do just so you know as a resident and everybody knows as a resident, we want to be dispatched, we will gladly come over if you call us and say there's a problem but by us being dispatched there is a big load of liability off of our shoulders because we are now being dispatched, we have been called into service, if we have to turn our lights and siren on we really need that documented that we were dispatched out on a call. Council member Garren asked the Chief what opportunities do we have, or options do we have for emergency overtime. Chief LeFever said ironically a week before this happened, had that discussion. That was one of our problems with getting this weekend filled too, was that we have Sergeant Baron who was already accumulating comp time because of being over, we have

Captain Cullen who has set hours of which, unless it's an emergency, such as a storm and things where we call people in, he really has to watch how far over he goes because what happens. Council member Dalvi said it becomes a financial issue. Chief LeFever said he is kind of wrong if he does, wrong if he doesn't and that's a problem he has. Council member Garren said we had already lost Todd so that's money, we had. Chief LeFever said we were filling those hours, he can fill a few hours gap, he can fill 24 hours but once we start getting into 48 and another 40 he can't fill those, he does not have the manpower to fill those, it's just not possible. Councilmember Garren said even if they were willing to work overtime. Chief LeFever said he has two issues, for example he has an officer that wanted to work that weekend, he said he would work those shifts, but he knew that officer was getting off at 6:00 am from his ten hour shift at his other job, he can't put him out there on the street for officer and resident safety if he is not on his toes or he falls asleep behind the wheel. Mayor Monahan said we are trying to work through it and the question was do we have the right to assign or to tell the A units that they need to work one 8 hour weekend shift during the month. Council member Dalvi said he thinks the communication of who to call is very important because he has had that issue before and he straight called 911. Chief LeFever said he is not going to knock Delaware County, most of the guys up there are good deputies, they are squared away, but their response time is infamously slow, it always has been. It is such a big County and there are usually not a ton of deputies on and what ends up happening is that call probably went out, according to the run log that went out as criminal trespass or breaking and entering. Officer Baron said it went out as a burglary and the notes on the run dictated that basically that no one was on the scene; no one was home at the residence. Chief LeFever said so what happened was a call that would have gotten an immediate, what we call a 27 response, lights and siren and everybody would have come as a burglary would somehow somebody told dispatch hey there was nobody there, it was a realtor, whatever it was they told them, it downgraded that call immediately from a burglary down to breaking and entering. At breaking and entering you are not going to have cops flying in with lights and siren, it's just not going to happen and any other call that comes in with a high priority than that they are going to get first dibs. He said he does understand Stacey's frustration about how long it took Delaware to get here and that's exactly why he thinks this community relies on the police department like you do so you do not have to deal with that but unfortunately it happens. Council member Dalvi said if he does not know what level of emergency it is, his first choice is always to call the dispatch and if he does not get the response does he call 911. Chief LeFever said he really can't tell him what to do there; dispatch is going to, similar to medical, they are going triage the situation, they are going to look at it, they are going to say what's the threat here and just as an example, if you would have said I'm a neighbor I just saw someone bust out the back window, their crawling in the front window I don't know what they are doing, it looks like they are carrying stuff out, you probably would have had cruisers here immediately or at least theoretically we could hope you would depending on what other calls were out there pending so in that case that probably becomes a higher priority immediately. Chief Lefever said now what do you do when you do not know what the priority is going to be the best thing he can tell us is to disclose all the facts and dispatch who deals with this on a daily basis is probably going to evaluate that . If at any time and he does not want to preach dialing 911 is the answer because a lot of times it might be overkill but if in doubt you feel it is a safety issue and somebody could be injured or someone could be getting hurt, absolutely call 911 that's what it is for. Mayor Monahan said we are working on it, it is amazing how you can have one gap in there and Murphy shows up at the table so he apologizes for that one and the one thing he will tell you that

as we go through this, like this weekend, there is always hanging, and he does not show this and he does not publish this, but there is always hanging in there the schedule and Council has access, up there by the clock. Shirley said it is not hanging there. Mayor Monahan said it is supposed to be there every time. Now having said that this coming week he said to the Chief we have a gap what are we doing and this is the bad one, so we have both people that were on the other end move, we have burnt more people out with 12 hour shifts and that's how we burn them out, we hate doing that. Council member Garren said she has some other questions about various options that might be available to us and maybe this is something that we can discuss in Safety committee on August 1<sup>st</sup>. Chief LeFever said something he will say, he thinks Safety would probably be the best one to talk about it, he just does not feel comfortable with everybody reading our minutes knowing when we are here or not.

Council member McVan said he thinks we are missing the point here. You call Shawnee Hills Police you get no response, you call Delaware County Sheriff you get no response. Who do you call then you don't call anyone, you have no one you have nothing, they did not know the situation they did not know if it was an emergency or not and at that point he is beyond furious, beyond furious. Council member Dalvi said you call 911. Council member McVan said they are still not coming. Chief LeFever said the only thing he can say, from his perspective is that we are not a fulltime police department, everybody in this room knows that. Stacey McVan said that is where she is coming from. Council member McVan said that is why we are so upset; we need to fund it properly, get it there, do it. Stacey said she is not coming to the Chief and she is not coming to the Mayor she is coming to Council and she thinks what the Chief and the Mayor did that day was correct, they Mayor helped her and the Chief called her and followed up, she is coming to Council and saying there is still 16 hours here that we have nobody. Council member McVan said and if something happens during that 16 hours somebody has to answer to that, it could be a murder, it could be anything. Council member Dalvi said if you look at what we did from the safety, there was a very small gap and he thought we had addressed that issue. Mayor Monahan said let me address, so a 16 hour gap. Council member Dalvi said there are two things, one there is a funded gap and a resource gap, this issue is a resource gap not a funded gap and he wants to make sure that people understand, on the record, that from a residents perspective Council working with the administration and police have made sure that it is not a funded gap it is a resource gap, that's a different issue. Mayor Monahan said that is why if we address it in Safety and you are more than welcome to come to Safety, how do we fix this and then from the resource thing he will tell you this, thumb, Todd, Christy and Christy was probably the one that hit us the hardest because we didn't see it coming. Council member Garren said we had the perfect storm of situations but now we can look at that and say what legislation can we put out there to give you the power to react to those types of situations. Chief LeFever said that is exactly what we are doing, even when this was going on, even before your incident took place we put up an online calendar where all the A units could see what shifts are available so that they can pick, we get that updated every day. A supervisor has that at their fingertips every day; we have talked with Brian about these additional hours. The Mayor and I have been back and forth on a dozen ideas and shot stuff back and forth about ways to fix it. He said it probably would have come up at Safety and we didn't have the last Safety meeting and it wasn't on an agenda to talk about it but we probably would have. We are working toward it we just don't have the answer. Council member Dalvi said there seems to be an issue between maybe its lack of communication or he knows there is some tension between the Delaware County police and us but it seems like Delaware County, and you can correct me Stacey, we are assuming that the

Shawnee Hills Police were here. Council member McVan said what he does not understand is how do they not know and this isn't the first time this has happened. Council member Dalvi said is there something that we have to do between our police department and their police department. Mayor Monahan said the officers sign in every time they are on duty. Chief LeFever said he spoke with dispatch that day personally and Sergeant Baron did also, they knew nobody was out for Shawnee Hills, we have to log in and he will tell you, if we forget to mark out on the radio when we leave they will call that officer on their cell phone until they reach him and if an hour goes by they call him at home because he gets home at one, two, three o'clock in the morning and radio will be checking up on the officers that have not marked out of service. If that mistake was made he can assure you it was made on Delaware County's side not ours. Council member Dalvi said that needs to be brought up.

Council member McVan said just for an example, the same neighbors had a lawnmower stolen, we called Shawnee Hills, no answer, we called Delaware County, they dispatched someone roughly an hour and a half, two hours later, they show up and we happened to see a Shawnee Hills Police Officer five minutes earlier drive up Dublin Road and they told us that no one was on duty in Shawnee Hills. Chief LeFever said again that would be Delaware County. Council member McVan said he is not pointing fingers. Mayor Monahan said in response to Mahesh yes we need to work this out. Chief LeFever said he agrees and he thinks what we need to do and this is just his opinion and Kris has already mentioned this, we need to make a list of the major concerns and we will get together at the next Safety meeting. He assures you that the scheduling issues are being worked on. It could still use some fine tuning but he thinks the next best thing is, do we need to approach Delaware County and express these concerns, which may be something we do as a whole. Council member Dalvi and Garren said yes. Chief LeFever said the Mayor has offered to do that with some other small issues we had when it came to dispatch but luckily we worked through them and if you recall we had issues with the computer system that we had to work through. Stacey said that Dublin is right across the road, can we work with Dublin police when you are not here. She said the Sheriff did say Shawnee Hills cops were on duty, they will be out there, you can listen, I know it was recorded she could hear the little beep sound. Chief LeFever said if we are not here, and we were not in this case, if we are not here that is ultimately going to fall back on Delaware County, they have the statutory right over the whole county. If they can't get a unit here quick enough they absolutely have it in their power to contact Dublin, Powell anybody they want to respond, why they chose not to do that he does not know. Mayor Monahan said we will talk to them about it but he will say, to that point, first thing if somebody was breaking he thinks there would be no doubt that they would be there. Chief LeFever said right. Council member Garren said she does not understand why we do not have more interaction with Powell considering we area 43065 area code. She knows that Delaware County Sheriff is are backup but it seems like there should be more association with Powell than Dublin. Chief LeFever said when it is coming from us we have good support because we are the local jurisdiction calling for assistance we will get what we need but you have to remember when you are dealing with Delaware County, Delaware County is not only dispatching, they are calling the shots, I do agree with you but that's not my ball game. Council member Dalvi said the first thing we really need to do is we really need to communicate to our residents that we need to call the right phone number, it starts from there. Stacy said she has a good idea, she is putting together binders for the welcome wagon, we can put that information in there. Shirley said she does not think it has ever gone out telling people to call the office. Council member Dalvi said people go on the website and we have the police number up there and we need to fix that, we need to make

sure we are telling people the right number to call. Chief LeFever said everything they have printed is Shawnee Hills Police Department is phone number, fax, for dispatch or emergencies call this number. Mayor Monahan said let's get that out in the next newsletter and update the website. Council member Dalvi said we really need to shape up this issue of the process between Delaware County and Shawnee Hills.

Council member McVan said if you say it isn't a finance situation, hire a part time officer to cover those hours. That's the easiest fix. Chief LeFever said the problem we have with that, I agree with you, it's great in theory, the problem is I can't find the officers that want to work Saturday and Sunday hours anyway because most of them have 9 to 5 jobs through the week. Council member McVan there has to be someone somewhere. Council member Garren said can't we get more A units. Mayor Monahan said that's easy to say, now the problem is a resource grouping that we have to find, unfortunately, the pool got drained on us because people left. Council member Dalvi said he understands it is a resource issue and this is a particular situation so we have a ways to go and that is not up to Council, that's up to the Administration. Chief LeFever said the money is there, we have the money to pay the people to work, we just can't find them to work and the people that he knows he can count on to work those shifts, he has already worked them both. He said he can't work right now and Pat, Jim, Shirley, anyone that has known him since he has been Chief will attest that he has been out here 1:00 in the morning, 4:00 in the morning, Friday, Saturday, Sunday, whatever hours are needed but he can't right now otherwise he would have thrown on his gear that morning and been here that shift. Council member McVan said if you could swear me in I would do it. He said we need to find a solution. Council member Gauldin said lets regroup for a minute if we can and he hates to interrupt but we've being going for an hour or so and in regrouping, while your concern may not have the best answer or the greatest answer, do you feel like your concerns have been properly heard tonight so that we can move forward and is there anything you want to add. Stacy said there is just one other thing she is going to add since Pat has explained the renters that are moving into the house can you increase patrols on Iroquois. Chief LeFever said after this incident occurred, starting that night we have increased the coverage on there, we have multiple checks, we even put that specific house on house check, kind of ironic and comical at the same time, one of the officers had to call him the other night because she was actually doing the house check and her light went into the back window and he came out scared to death because the resident saw the flashlight. He told her he would rather get a complaint that you shined the light in somebody's window than nobody saw. He said we are increasing the house checks and we are increasing the patrols in that area and he assured Stacy that that will be maintained. He said the officers are recording that on their logs also. Mayor Monahan said he will go back to David to see if he knows of anybody that is moving in and he asked Stacey if she had heard that they are moving in. Stacy said all that she knows is that the contract is signed and the lease is going to start August 1<sup>st</sup> and it was a woman that signed it and from her understanding it is her son that works there so the woman that signed the lease is not the person that is going to be living there. Council member McVan said which is illegal. Mayor Monahan said he will go back and talk to him. Council member Garren said we will discuss it further in safety. Mayor Monahan told Stacy she is welcome to come if she wants. Chief LeFever said he would encourage that, he thinks it would be great to have her from the resident perspective there, he thinks it would be great. He has always maintained that we want to have a transparent relationship with the community and with our Council and our Boards and our Committees and he thinks it would be great to have someone there with a different perspective

on things, you being a resident, and seeing it and having to go through this experience and maybe we can hear it from another side.

Mayor Monahan said let's update the newsletter article with all the right numbers, make sure the website has all the right numbers on that and when we talk at Safety lets' go through what we need to do with Delaware County, he has no problem doing that and we are working on the resource thing and we can also check to see about this contract. He will stop in and see him.

Council member Gauldin said if anyone else has some thought on this to write it down and get it to Safety for discussion.

### **Communications**

Mayor Monahan gave the following report:

I received an email from Yvonne Clippinger yesterday about an article that appeared in the Dispatch yesterday:

**From:** Yvonne Clippinger [mailto:yclippin@columbus.rr.com]

**Sent:** Sunday, July 22, 2012 8:50 AM

**To:** pat.monahan@shawneehillsoh.org

**Subject:** Dispatch article

Hi Pat,

Didn't know if you saw the Dispatch article today in the Insight section on "working gardens" about the city of Columbus using special plants to keep storm runoff from reservoirs (aka- rain gardens). What is interesting if you look at the photo in the paper is that it appears the rain garden is close to the shore with a perfectly manicured lawn in the background. I am still at a loss as to why the city of Columbus does not allow the residents along the riverfront to mow their lawns and the city install a rain garden along that corridor.

I am definitely for clean water for all but the weeds that grow in abundance in our community along the river puts everyone in jeopardy and is a definite health concern. This is like a catch 22 situation. It would appear to me that the stewardship agreements need to be updated and improved.

Your idea of having a rain garden along the riverfront is something that I would totally support for our community and I hope that the article in the paper today can help open the door again on this situation.

Let me know if I can help in any way. The rain garden seems like a win-win for all!

Thanks,

Yvonne

Speaking of Dispatch articles from Sunday the 22<sup>nd</sup> of July if anyone hasn't read the scathing article **Little Courts, Big Business** I brought it along if anyone would like to read it.

I am not a big fan of the Dispatch but with their lumping together all 318 Mayor's Courts in Ohio citing a few bad examples they have appeared to reach a new low in journalism.

I believe when I read the results of our June Mayor's Court it apparent that this doesn't apply to us.

I did receive a Survey from First Energy and I want Charlie to have a copy. If you can provide me your Committee Feedback by the end of the week I will send this back in to First Energy.

## Mayor's Report

Mayor Monahan gave the following report:

### MAYOR'S COURT REPORT

JUNE, 2012

8,908.00      *BAL. BROUGHT FORWARD*

#### DEPOSITS:

8,578.00              TRAFFIC RECEIPTS  
354.00                DELAWARE COURT RECEIPTS  
8,932.00              TOTAL RECEIPTS

#### DISBURSEMENTS:

1,986.50              STATE TREASURER  
744.00                COMPUTER FUND  
6,152.00              GENERAL REVENUE FUND  
25.50                 DELAWARE MUNICIPAL COURT  
8,908.00              TOTAL DISBURSEMENTS  
8,908.00      *BAL. BROUGHT FORWARD*  
8,908.00      *DISBURSED (LESS \$24.00 OVERPAYMENT TO MAY GENERAL FUND)*  
-0-                *BALANCE*

RESPECTFULLY SUBMITTED,  
JOYCE A ARMSTRONG

I want to remind everyone who has an article for the Summer newsletter to have them in no later than Noon this Wed the 25<sup>th</sup>.

I believe we all received the Police stats for June 2012

Brian has recommended that we need training for our Board of Zoning Appeals to assure they are following all of the required legal processes. We have 2 of the 5 BZA members with for sale signs up on their homes. I have asked Wayne Gordon where they are in the sale process and he said they were early. I spoke with Jim Groves and he said he is hoping to stay in the village. I would ask if anyone is aware of eligible residents (1 year of residency) to forward their names to Jim and me and we can work through the appointments for your confirmation. Once any vacancies are filled I ask Brian to conduct a training session for the Board. Until then I would ask Brian to issue a summary reminder to the existing BZA members to assure the operation is meeting all Ohio requirements.

Planning and Zoning is meeting Tuesday evening and I have asked Brian to come address P+Z on issues concerning lot splitting and a few other recurring issues to see if the Board would want to recommend legislation for your consideration.

This is designed to be the start of a conversation. A number of years ago Council used to hear variances. It was deemed that forming a BZA to deal with Variances would be another way to handle this. The concern I have and would like us to air out is on some issues like lot splitting the issues are complex and asking a board in a 15 minute to half hour hearing may be difficult to establish consistent decisions in a direction the Village is going.

Some of these are fairly difficult. As an example:

Brian was looking at a rather complex case at the South East corner of E Cuyuga and 745. A house has 11 lots and the house is built on 4 residential and 2 Commercial lots. The rest of the lots nearest to Dublin Rd are Commercial.

I think it is good to start the conversation.

The Picnic Committee met on the 12<sup>th</sup> and are moving forward with planning the Village picnic at The Ohio Wildlife Center on Sunday the 16<sup>th</sup> of September.

Mahesh and I have been working with Lucy Plahy, President of The Shawnee Hills Chamber of Commerce, Chris Anderson and Delaware County to explore Economic Development. It may be appropriate to appoint a special committee for us to continue to pursue this. Thoughts?

Bill Pizzino is finishing the preparing of the bid books for the New Building and hope to have them done when Ed returns next week.

I believe we received the RITA Top 25 Report.

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

It was moved by Gauldin, seconded by Garren to reconvene. Following vote on the motion was recorded: yea, 5; Callender, Dalvi, Garren, Gauldin and McVan. Nay, none. Chair declared the motion passed by a 5-0 vote.

### **Committee Reports**

Council member Dalvi said on the technology committee Shirley and he are in conversation with our website person to make some changes and they have sent a proposal already and we will be adding some more to it and he said if there are any changes that the Council wants to make to the website let him know by the end of the week because he wants to make all the changes at one time. Mayor Monahan said he has asked Mark to get some new pictures.

### **Legislative Actions**

Third Reading- Resolution 24-2012- A Resolution to increase the rate of pay for Erin Cullen, Police Officer, for the Village of Shawnee Hills, Ohio. It was moved by Dalvi, seconded by Garren to pass Resolution 24-2012. Following vote on the motion was recorded: yea, 5; Callender, Dalvi, Garren, Gauldin and McVan. Nay, none. Chair declared Resolution 24-2012 passed by a 5-0 vote.

Third Reading- Resolution 25-2012 – A Resolution to increase the rate of pay for Ed Swanson, Village Administrator, for the Village of Shawnee Hills, Ohio. It was moved by Dalvi, seconded by Callender to pass Resolution 25-2012. Following vote on the motion was recorded: yea, 5; Callender, Dalvi, Garren, Gauldin and McVan. Nay, none. Chair declared Resolution 25-2012 passed by a 5-0 vote.

First Reading- Ordinance 10-2012 – An Ordinance approving the edition and inclusion of certain ordinances as parts of the various component codes of the Codified Ordinances of Shawnee Hills, Ohio, and declaring an emergency. It was moved by Callender, seconded by Garren 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, 5; Callender, Dalvi, Garren, Gauldin and McVan. Nay, none. Chair declared the motion passed by a 5-0 vote. It was moved by Garren, seconded by Callender to pass ordinance 10-2012. Following vote on the motion was recorded: yea, 5; Callender, Dalvi, Garren, Gauldin and McVan. Nay, none. Chair declared Ordinance 10-2012 passed by a 5-0 vote.

First Reading- Ordinance 11-2012 – An Ordinance adopting and enacting an amended Public Records Retention Schedule for the Village of Shawnee Hills, Ohio. Shirley said that we have to have a records retention schedule and years ago we adopted the Ohio Historical Society suggested retention schedule and we have worked through it and made it fit the Village records. Council member Dalvi said the only thing he would like to see here is the way we store the stuff, today we have five years, two years, do we store it manually. Shirley said it is all paper. Council member Dalvi said what can we do, it is something to think about. Mayor Monahan said he thinks we should send it to the Technology Committee.

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

First 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).

Brian Zets said these are the two parking areas that will coincide with Aspen Energy assuming that Aspen Energy applies for a permit. He said he thought long and hard about this and it is going to be a couple of steps process. This piece of legislation, all this will allow is the right of way and if you look at the map, the diagram that is attached to the ordinance, the parking spots are going to be under private property and spill out into the right of way and his thinking was this legislation will allow Council to create parking in or parking on the right of way because they are going to take up part of the right of way. He said Aspen Energy has to do whatever Aspen Energy has to do to get their plans in front of Planning and Zoning or the BZA to get their plan approved. He said a third step in the whole process is that there will have to be an agreement between the Village and Aspen Energy for these spots. Aspen Energy is going to create them and they are going to build them so it is going to be their spots so you are going to have sort of a maintenance agreement, who is going to maintain the spots, who is going to build them, how are they going to be built, is it going to be private parking during the day and public parking after hours. Those questions and all those regulations have to be worked out. Council will have to come back with another piece of legislation to approve Ed to sign that agreement so there are a few moving parts that eventually will have to marry up at the end. He created this ordinance so they could read it tonight likely you will have to probably table it before it is read next time because those other moving parts have to get started. Mayor Monahan said he knows they agreed to pay for it, so it's a matter of drawing that all up and they will maintain it. Brian said he has Kerry Boyle from his office working on the agreement so we can get it to them. He said the applicant still has to do whatever they have to do to build whatever permits or variances they

need that has to be done as well. Council member Callender said then the application has to go to the BZA. Brian said yes they have to create a plan for these spots, whatever that plan is going to be they have to get that paperwork together to get the necessary approvals that they are going to need. Council member Gauldin said as those parking places move into the road right of way, I think at the last meeting we discussed the fact that the road wanders in the right of way so there is a good chance that as they start laying this out some of those spots may go far into the paved area of the road and at that point they are going to have to come to us and let us know that and they will have to propose something to make that work. Brian said they are going to have to come up with a plan that surveys the road, surveys those spots and tell BZA or somebody where that's going to be. Council member Gauldin said with that in mind do we have anything in our legislation, and he knows this is broad, that dictates how wide our roads are. Shirley said for new build the road has to be 16 feet. Council member Gauldin said would it be reasonable to say this is a new build because this is raw dirt right now. Mayor Monahan said they aren't building a road; they are parking in the right of way. Council member Gauldin they are parking in the right of way but we know that the road meanders within the right of way so suddenly the road meanders, a truck hangs out far enough so technically you need more road in the right of way. Council member McVan said there is something that says how wide each road is. Shirley said it is in our last updated comprehensive plan. Mayor Monahan said there will not be any case where somebody will hang out. Council member Gauldin said we just want the traffic to egress as normal that is all he is looking for so if that means when it is all laid out and they eat up a portion of pavement that is within the right of way but it takes away from the other side we may have to work something out with them or they may have to agree, something has to be decided to correct this.

### **Bills**

Council member Dalvi said with regards to the cash summary by fund. He is trying to reconcile the total expenditure on the cash summary report to the total of the bills. Shirley said she is waiting for a receipt for something that has been paid or she may print the summary by funds before she finishes paying the bills or have bills on the list that have not been paid yet. She said she wouldn't try to reconcile the cash summary by fund report with the list of bills to be paid. Council member Dalvi said we look at the list of bills every meeting and we all pass it every time without any conversation so we have a \$1500.00 expenditure on the weed fund, how do I know where it is on the summary fund. Shirley said it could be gas for the tractor so it could be mixed in with other things like from NAPA, she is not sure without looking at the bills itself. She said payment could come from 3 different funds. Mayor Monahan said he disagrees with what Council member Dalvi said about passing the bills without any discussion; he does not think we pass it without any discussion. Council member Dalvi said when he looks at these reports he does not have a clear understating of how this all matches up. Council member Gauldin said the way he understands is that how these things get split out can be cumbersome so why don't we do this, if you want, why don't we look at this in Finance. Shirley said she will start printing the cash journal again that Yvonne had requested and she did not know if this Council wanted it as nothing has been said so she will supply that again. Council member Dalvi said yes he would like that report. It was moved by Garren, seconded by Gauldin to pay the bills in the amount of \$41,733.22. Following vote on the motion was recorded: yea, 5; Callender, Dalvi, Garren, Gauldin, and McVan. Nay, none. Chair declared the motion passed by a 5-0 vote.

### **Treasurer's Report**

It was moved by Garren, seconded by Dalvi to approve the following treasurer's report: General Fund 234, 383.50, Street Fund 74,684.78, State Highway Fund 1,889.82, Drug Law Enforcement Fund 120.00, Enforcement and Education Fund 1,985.00, Mayor's Court Computer Fund 5,054.34, Fire Fund 123,939.66, Weed Fund 6,110.90, TIF Fund 5,823.96, TIF 2 Fund 2.43, Veteran's Memorial Fund 580.94, Capital Projects Fund – Building 100,438.36, Capital Projects Fund- Intersection 50,000.00, Sewer Operating Fund 39,340.01, Sewer Replacement Fund 96,000.00, Storm Sewer Fund 10,439.99, Debt Service Fund 78,984.93, Debt Service Reserve Fund 98,332.38 for a total of \$928,111.00. Following vote on the motion was recorded; Yea, 5; Callender, Dalvi, Garren, Gauldin and McVan. Nay, none. Chair declared the motion passed by a 5-0 vote.

### **Miscellaneous**

Mayor Monahan said the one thing he will ask that when we do in the Safety Committee and he knows that we did not have a pool of resources to go to because of all that has happened but we might want to ask that question when we do have a pool is there an emergency fund for certain things. Keep in mind there was a strong effort from Council to try to not use comp time, not do everything else, so what we want to do is reach that balance. One he thinks we have done a lot of good things but it is amazing when Murphy can show up. He will say that one gap of four hours, wish it had been different, one we are going to get the numbers out there and we will talk about that at Safety and he has no problem going up to Delaware County and talking to them.

There being no further business, it was moved by Garren, seconded by Dalvi to adjourn until August 13, 2012. Following vote on the motion was recorded: yea, 5; Callender, Dalvi, Garren, Gauldin and McVan. Nay, none. Chair declared the meeting adjourned at 8:40 p.m.

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Fiscal Officer

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Mayor