

## Village of Shawnee Hills Council Meeting Minutes

July 8, 2013

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

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

Absent: Kris Garren

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

It was moved by Dalvi, seconded by Gauldin to approve the minutes of June 24, 2013 with the following amendments: on page 4 change the commitment from \$500,000.00 to \$250,000.00 to \$500,000.00, on page 6 add the description East to Scioto and on page 8 change the word convention to conference. Following vote on the motion was recorded: yea, 5; Callender, Dalvi, Gauldin, Mathews and McVan. Nay, none. Chair declared the motion passed by a 5-0 vote.

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

### **Solicitor**

Brian Zets said that he continued to work on the possible rezoning of 9699 Dublin Road. The property owner is trying to figure out what he may or may not have to do with that property. There has been some discussion through himself and the Mayor but it is still preliminary on that. Mayor Monahan said he is about to close that and say okay we have answered everything we can at this point. Brian said he thinks that is a fair statement. Council member Dalvi asked what property is this. Mayor Monahan said it is at the end of Buckeye Drive. The owner of the property is the son in law and daughter of Roger Yeoman who developed Shawnee Woods, Buckeye Drive and he wants to change that from neighborhood commercial to residential and he is willing to leave the buffering of the trees and the sign there as part of his deed. This was received well by planning and zoning. We went through to take a look at it and effectively if we get this all worked out we will bring legislation forward to Council to change the zoning for that. He said it is well received on Buckeye. People don't want the little coffee shop at the end of the street and this is the owner of the property asking us to rezone it. He is probably trying to sell it as neighborhood commercial and he will have a much more difficult time then trying to sell it as residential. Council member Gauldin asked the Mayor if he thought we would have an ordinance by the next Council meeting. Mayor Monahan said he did not know, but he wants to. Council member Dalvi said he is curious as to, because we don't normally take any of the property on Dublin Road and convert them to residential so why is that particular property being done that way. He said what happens if tomorrow, this house, next to the Municipal Building, says I want to move from commercial to residential.

Council member Mathews, who is also a member of planning and zoning, said when it came down to it, in looking at the map, we decided that is the furthest point north and far enough away from the business district that we thought it could be changed. Council member Dalvi said he is worried about setting a precedent because if that can happen then this particular property next door can come to us and say I want to make this into a residential property. Mayor Monahan said we had that discussion.

Brian said he does not know if there will be legislation because the owner still has some things he has to work out, questions he needs to get answered on his own.

Brain said he helped Shirley with a public records request. We got a very simple record out that had to do with our credit card processing.

He said he also worked at length on issues involving accessory structures, sheds and garages and part of that is what is before you as Ordinance 17-2013 but that is probably going to be tabled tonight so there will probably be a fourth, fifth maybe a sixth version before you see it again but we are working through those issues. Mayor Monahan said it is very true with any legislation, you think you are doing something simple but you bump the table at that end, you knock something off on this end, so the question becomes what about garages and as the legislation reads today, you can put your shed right up against the property line. The question is should we be able to put that there. What was the most revealing thing is that we do not have any restrictions on the number of sheds so somebody could look like they are running sled dogs and in addition to it right now you can put a shed in the front yard so basically our recommendation was to limit it to two sheds, 200 square foot or under and no further forward than the front wall of the house. That in itself seems to work until you say what about garages because we have many garages that are built forward of the front wall. He said more to come on this.

Brian said there is also the question of how do you define a shed because right now it's an accessory structure and then divide that out into sheds and garages because I could use the shed as a garage depending on what the shed looks like.

Brian said he just wanted to mention, with respect to criminal cases, with respect to whatever type of criminal cases we are dealing with, either we have a lot of situations where we have an arrest or indictments of folks that are either here or up in Municipal Court and he really does think, he does not want to say it's a policy, but really the response, the Village really does not have a place to be publicly commenting, especially during active criminal prosecution whether it's before Eric in Mayor's Court, myself or the County for that matter. He said we really do not have that much information to push out there, whatever the arrest reports say, all that public information, those are the things that we always push out. If people have questions about cases, especially if it's Delaware County, they really should be directed to Carol O'Brien. She does a very good job, she is a very good prosecutor. Her office is equipped and better situated to respond to questions about active criminal cases up there because she is in fact handling them. We do not want to get in the way or say things that may not be in line with exactly what they are doing or how things are proceeding because we just don't know what they are doing up there. He said that should be the practice whether you are talking about the simplest traffic ticket to an OVI, to an alleged murder or an alleged rape, whatever that spectrum of those charges are that is really how those things should be handled and really what our responsibilities are here. He said that is no case in particular but just a general comment on that. Council member Dalvi said he thought we had made a rule where only the Mayor and the Chief of Police could talk to the press. Mayor Monahan said we do that with the press and in one case we have Sergeant Barron talk

because of the fact that he was there at the time. Mayor Monahan said the one thing he will say and he does not want to do anything that could damage anything, if on any case a conviction is obtained and what he wants to do and it does not have to be now, he wants to make sure that we are in a position to notify to the fullest extent of the law the citizens for safety and health reasons because I am sure all those concerns are out there as they should be. Brian said if some case comes up like that where there is some situation where there is a conviction or something and we have legal duty to do some sort of notification, we absolutely would, there is no question about that. We want to be as transparent as possible but then again we don't have a whole lot of information a lot of these times, especially while cases are pending, actually that information is withheld from folks.

Council member Dalvi said so we as a government, an official in a public office cannot do that. But that truth does not apply to any community organization does it. Brian said we are talking about just the Village.

### **Administrator**

Ed said he has been working with the tree supervisor over the last two weeks. For the most part the job has gone okay. There are a few areas that still need to be discussed. There were a few trees that were trimmed and residents don't like the way they look and we are still working on that. There is some wood that needs to be hauled away and he is meeting later this week with a representative from the tree company. Ed said the power company does this every four years. Council member Gauldin asked if we charge the power company the right of way fee for this project. Ed said we do not and neither do the surrounding municipalities. If it is benefitting the residents, the fees are not collected.

Ed said the road paving project should start in early August. We will be rebidding the sidewalk and it will be divided into three sections.

Ed said he has updated the storm drainage list and the list of 14 has been cut down to 5 places that need to be addressed. Council member Gauldin asked Ed to mark the top three to see if we can get them into the budget for next year.

### **Police Chief**

Chief LeFever said the only thing he would like to say regarding the earlier discussion, in regards to notification on crimes, there are certain processes that are put in place by the State of Ohio already. For example, sex offender notifications, things like that, that is handled statutorily by the County Sheriff's Department so at any point in time if there is a conviction on an offense like that, that is going to go out automatically and of course we would do anything we can on an agency level to assist in that process, but those kind of things, there is a system in place for those types of notifications when the time is right.

He said we did send for our purchase of the cruiser computers. As soon as the rest of the equipment comes in we will start to slowly integrate those into each car and get everything up and running. We are going to do one car at a time just to work out any bugs and give a couple weeks leeway between each install to make sure that everything is working the way we want it to.

Chief LeFever said he just finished writing another grant. The grant has been accepted but it has not been approved yet but we did meet the acceptance status to get two more AED's at no cost to us. That would put a defibrillator in each car. He also finished up the body armor grant and it looks like we were awarded that again this year so any money we spend on ballistic material,

shields, or body armor for our officers we are going to recoup 50% of that back at the end of the year.

Regarding the staffing, Chief LeFever said we are still sitting at 20 on our staff. Officer Jeremy Garrett has taken a job with Columbus Police Department full time. Officers Jessica Redd and Chuck Moran, which are our two cadets, take their state tests this month and providing all goes well we will see them out on the streets as officers here soon. Three officers completed their field training phase so three officers are now released to work on their own. That was Officer Flahive, Officer Marlin and Officer Luoma. All three of those guys are doing a great job and we have one more expected to be out of his field training cycle this month and that is Officer Greenlee.

He said everything was pretty good around here on the fourth of July. We had far less fireworks calls than we usually do.

He said he passed out a copy of the past months stats to Council and also the quarterly and the half year stats.

Council member Dalvi asked the Chief if he has noticed more traffic at the intersection lately. Chief LeFever said they started seeing a little bit of change in the traffic when all the work took place outside the Zoo. At that point in time he suspects that the traffic pattern was modified a little bit to fit the new intersection and he thinks we are getting the results of that. He said it does seem as if there is more traffic but he thinks it is all a matter of timing. That intersection has become much more efficient so you are getting more traffic up here. He said west bound traffic on Glick Road has increased, not so much the other directions.

Council member Gauldin asked if we could request a change in the timing of the traffic lights here. Ed said he has already asked and he was told that the study really tells them that it would not improve.

Mayor Monahan asked our guests if they had anything to say.

Cameron Kemplin said this was his first council meeting to attend and what he would like to see is the community coming together. There are a lot of young families here, moving into town, a lot of young children and maybe that has increased over the years. He is guessing it has and maybe we have already put a lot of focus doing things for the kids, but really just coming together as parents of young children to create a safe environments for these kids. He said there has to be lots of communication and Mahesh mentioned just from a communications standpoint, he understands the legalities around what you can or cannot say, but his feeling is that if something can be said, hey, just watch your kids this week. Council member Dalvi said just to add to what Cameron said, if you look at the demographics of the kids, it has greatly increased in the Village. We need to look at quality of life; we need to address that to the kids also. Parks, safety tips and things like that that we can put out in our newsletters. Mayor Monahan said that is why he is always asking for articles for the newsletter but he thinks the website is where we really need to go. Council member Dalvi said the website is one way to do it but we have to be careful in terms of what is allowed and not allowed. There is no reason why there cannot be a community watch around here.

Chief LeFever said if he can interject and he agrees whole heartedly with what you are saying. A couple of things that the police are working on and these are in their very early phases, for example, Powell, Dublin and a couple other nearby jurisdictions, they have a notification system

so that if there has been an armed robbery or something else it will send a notice to your phone if you wish to subscribe to this service. They use a company called Nixel. He is looking into that and he just met with some Nixel representatives a couple of weeks ago to see what it would cost us to set something like that up. That could be for weather emergencies, crime alerts for our area and the surrounding areas, little things like that. From a notification standpoint from the criminal side we just have to be very careful because the problem is, we put something out there that's sensitive, maybe involving kids, the key here is alleged, the key is innocent until proven guilty so we have to be real careful crossing those lines and number two we have to be really careful that we don't create a mass panic when there may not be a cause for that. He said it is a really fine line and he assures you from a Village standpoint and he knows he can most likely speak for all of Council when he says this: safety of the community, wellness of the community, the kids are the number one concern of the Police department and his also.

Council member Dalvi said the point is not as much as the active aspect of the communication but more as how can we be more proactive and put some diligence correct, and he does not know the statistics. He is assuming that we have a community watch and we put some signs around, how much of that is a deterrent; those are the kinds of things we need to find out. Chief LeFever said community watch programs can be effective, he would have to do some research personally to kind of educate himself a little more on statistically speaking, they can be very productive, that would be a community level and anything the police can do or assist with something like that we would be more than happy to help. Council member Dalvi said it has to be the Police and the community working together. He said he thinks Safety should take this on.

Mayor Monahan said he wants to thank Sarah and Cameron for agreeing to chair the picnic this year.

Another resident that was present said that there are a lot of cars that sit in the intersection at E. Seneca and Shawnee Trail for twenty to thirty minutes at a time.

Chief LeFever said that will be looked into and he told the resident that at any time there is a concern like that to give the Police a call.

Council member Dalvi said our police do a great job of patrolling the streets but he thinks something like a community watch will help the community.

Mayor Monahan said that on Halloween, if you want to see a place that is well patrolled, he always says that if anybody is ever going to bother somebody they are not going to bother them in Shawnee Hills just because the Police do such a tremendous job. We have Concord Fire here and the neighbors are out. He commends our police because they have been on top of things to the point that things are happening now that are identified at different levels than would have been identified at different times.

Cameron Kemplin said he thinks the community watch, not taking away from the police efforts by any stretch, it's just adding to that. If there are more people that are going to be diligent about keeping an eye out, maybe we can use this picnic in September, as it is going to be a gathering for families, perhaps we can get a sign in sheet together to see who wants to be involved and get all their contact information. He said he would be happy to help with putting something like that together or calling parent meetings once every quarter just more as a get together.

Council member Dalvi said we want to do this with all the right processes and he thinks we have time before the picnic to gather information.

Chief LeFever said that is the trend that most communities are going with now. He said it is really more about community policing than what it used to be where the community and the police were very separate and now that has become the trend. He said if we get the community involved that's excellent. Mayor Monahan said a couple of things make us very unique from other places, we have our own police force, we have our own sewer system, and we have Dublin schools.

### **Communications**

Mayor Monahan gave the following report:

I sent the disposition of our Resolution 13-2013 = defeat of HB 5 to State Rep. Andy Brenner and Senator' Kris Jordan. Representative Brenner asked for some specifics on the impacts of HB 5 on our Village. I was able to furnish him with the \$10,000.00 over 5 years and I went back to RITA asking for more specifics so I can furnish them to Rep. Brenner. I have not received them so far.

I requested that Shirley go to RITA and request an audit of our accounts to assure that the tax money we are entitled to is coming to us and as an example because of the Zip code not to Powell.

I would like to commend Aspen Energy's owner John Peel on following through and having the side parking areas paved. I noticed them over the weekend and they look great.

### **Mayor's Report**

Mayor Monahan gave the following report:

We are very disappointed by the Governor's exercise of the line item veto on: Restrictions on Municipal Reservoir Buffer Zones

Governor Kasich's ruling when using the line item veto while signing the budget:

Restrictions on Municipal Reservoir Buffer Zones

This item would restrict municipalities' ability to use buffer zones of grass, trees or other vegetation to protect waterways, reservoirs and sources of public drinking water from contamination from the runoff of fertilizers, pesticides, pet and livestock feces, sediments and other contaminants. Such contaminants pose threats to the quality and safety of public water supplies and, in some cases, are the root cause of algal and cyan bacteria blooms responsible for severe oxygen-depletion zones that can kill aquatic life. Furthermore, pesticides can be difficult and costly to remove from public drinking water supplies, and high levels of bacteria can be an acute health risk. Striking the proper balance between the concerns of property owners bordering waterways affected by this item and the public health, environmental and taxpayer cost issues addressed by buffer zones requires a more thorough process than this item allows. Therefore, the veto of this item is in the public interest.

This opinion is straight out of Columbus's heavy handed and scientific rulings. It is untrue that the weeds filter the water entering the reservoir as opposed to grass.

It is also hypocritical that Columbus does not hold their own properties to the same standards: ZOO, Yacht Club and golf courses.

My concern is the health and safety of our Village. We, because of irresponsible land care by Columbus we have a tick, mosquito, rodent and allergy issues that are not only affecting the residents who abut their land but throughout our Village.

Governor Kasich as Mayor of the Village I ask for your help to persuade Columbus work with us to develop a reasonable and resident health and safety centric solution that is applied to the land abutting our Village as well as their own property.

Thank you!

Pat

Pat Monahan, Mayor Shawnee Hills, OH.

In addition to this I have been communicating with the Director of MORPC. They put something out commending the Governor for doing this and I sent an email to the Director and said look, I don't think you can be more wrong and I would like to invite you up here to see what this has caused. I heard back from the Director of MORPC today and I asked Dave Probst if he would be willing to host a get together with the MORPC staff to take a look at what this has caused us and I want to make sure that this covers the health and safety of the people of this village. I think they have introduced a problem that we shouldn't have. I have asked three times of the Delaware County Commissioners that they pass a blight ordinance like we have here.

I want to commend our Police for their by the book handling of the alleged child rape. We would hope not to have any crimes committed in our Village and especially the despicable ones like the again most recently alleged ones. Without their professionalism and diligence the process of law would not have the opportunity to be exercised.

I do want it made clear that we will tolerate no reduction from the maximum prosecution and if found guilty sentencing when it comes to violations committed against our residents especially our youngest!

Did anyone hear any responses to the requests made in the Newsletter? Bat house input, volunteering of time, money and talent to potentially install fountains in our retention ponds? Shirley said she received two positive responses for the bat houses.

### **Committee Reports**

Council member Mathews said that planning and zoning met and basically everyone agreed that that property at the end of the zoning district would be okay to rezone if it got that far and the other was the sheds which there was a lot of back and forth on what is the size of the shed, is it a garage, what can go in it and another interesting thing is the way houses are situated here. His neighbor's house is actually sideways between streets so it is hard to designate what is the front and what is the back.

### **Legislative Actions**

First Reading- Ordinance 16-2013 – An Ordinance creating a new part-time Police Officer position and declaring an emergency. Council member Gauldin said as we discussed earlier, this is actually a spot that already exists in our budget. Shirley said we used to have these positions connected to a certain employee and we decided to not have each hourly slot tied to an individual so we did do one 24 hour position but we did not separate out the other 24 hour position once

one of the employees left us. So this is just creating that separate police position and including the time for an officer to spend at Mayor's Court. It was moved by Gauldin, seconded by Dalvi to suspend with the second and third readings and declare Ordinance 16-2013 an emergency. Following vote on the motion was recorded: Yea, 5; Callender, Dalvi, Gauldin, Mathews and McVan. Chair declared the motion passed by a 5-0 vote. It was moved by Dalvi, seconded by McVan to pass Ordinance 16-2013 as an emergency. Following vote on the motion was recorded: Yea, 5; Callender, Dalvi, Gauldin, Mathews and McVan. Chair declared Ordinance 16-2013 passed by a 5-0 vote.

It was moved by Gauldin, seconded by McVan to table Ordinance 17-2013 based on the administration wishing to do a little bit more work on it. Following vote on the motion was recorded: Yea, 5; Callender, Dalvi, Gauldin, Mathews and McVan. Chair declared the motion passed by a 5-0 vote.

**Bills**

It was moved by Callender, seconded by McVan to pay the bills in the amount of \$10, 840.34. Following vote on the motion was recorded: Yea, 5; Callender, Dalvi, Gauldin, Mathews and McVan. Chair declared the motion passed by a 5-0 vote.

**Treasurer's Report**

It was moved by Dalvi, seconded by Gauldin to approve the following treasurer's report: General Fund 222,217.82, Street Fund 105,046.87, State Highway Fund 4,419.16, Drug Law Enforcement Fund 592.00, Enforcement and Education Fund 1,985.00, Mayor's Court Computer Fund 7,635.43, Fire Fund 125,244.73, Weed Fund 8,353.51, TIF Fund 11,507.22, TIF 2 Fund 470.17, Veteran's Memorial Fund 98.97, Capital Projects Building Fund 90,065.76, Capital Projects Intersection Fund 50,000.00, Capital Projects 9484 Dublin Road Fund 5,770.25, Capital Projects Sidewalk Fund 118,305.00, Sewer Operating Fund 66,034.25, Sewer Replacement Fund 106,000.00, Storm Sewer Fund 6,763.93, Enterprise Debt Service Fund 92,231.68 and Enterprise Debt Service Reserve Fund 98,859.69 for a total of \$1,121,601.44 Following vote on the motion was recorded: Yea, 5; Callender, Dalvi, Gauldin, Mathews and McVan. Chair declared the motion passed by a 5-0 vote.

There being no further business, it was moved by Callender, seconded by Dalvi to adjourn until July 22, 2013. Following vote on the motion was recorded: Yea, 5; Callender, Dalvi, Gauldin, Mathews and McVan. Chair declared the meeting adjourned at 8:00 p.m.

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Fiscal Officer

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Mayor