

Village of Shawnee Hills Council Meeting

June 11, 2012

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 Callender, seconded by McVan to approve the minutes of May 14, 2012 with the following amendment. Add a question mark to a sentence in the last paragraph on page one. 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 McVan, seconded by Dalvi to approve the agenda with the following amendments: Add the resolution number 21-2012 to the second reading and the RITA motion under miscellaneous. 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 is not sure what the status is on the Jim Bowers land purchase. He has not heard back from the title company in regards to the liens on the property. Brian said he spoke to our insurance counsel, Paul Lafayette, about the Darryl Sanders matter and that is part of the reason for the executive session tonight so he will go into that later and the last thing is they responded to all the public records requests that the village received in regards to the arrest made during the Memorial Golf Tournament.

Administrator

Ed Swanson said he met with Bill Pizzino last week in regards to some minor modifications to the plans and those have been worked out and the plans have been submitted to the Delaware County Building Department and it usually takes 3 weeks for approval. Once we get the approval we will put the project out for bid for three weeks. Council member Dalvi said that in order to get the funding we probably need to start doing the finance part of the thing now in order to be ready in ten weeks. He said he wants to keep track of the timing on this.

Ed said he contacted the gas company and they will come out and supply gas to the remodeled building for free since we will be switching from electric heat to gas heat.

He said he worked with John Piccin and Del Co Water on the waterline extension. He supplied Council with the cost estimate for John Piccin to prepare the plans for this project and he asked for a motion from Council to approve this expenditure so that we can move forward with this water line extension.

Ed said he has started marking the streets for the paving project that will start later this summer.

Ed said he knows the Mayor is going to talk about this later but he met with the Mayor and John Piccin to evaluate the needs for a passive park on E. Old Powell Rd and E Parkview Rd. Council member Gauldin asked if anyone else had any questions in regards to the proposal from John Piccin and the waterline extension. There were no questions so it was moved by Gauldin, seconded by Callender to approve the proposal from John Piccin to move forward with the design of the waterline extension starting on Parkside Dr.

Police Chief

Chief LeFever said the tournament went well. He said it turned out to be a very safe event. He said feedback from the community was good about the police presence and officers came out and donated a lot of time, they had food catered in, all donated, as they do most of the time. Chief LeFever said he provided statistics to Council for the month and the tournament. He said they have a couple of grants in the works right now and should be tidied up this week. One of which would give us the potential to get upgraded camera systems for the vehicles instead of the VHS that we currently use, which is five to seven years outdated, would go to a DVR system, so we did write two separate grants for that and we also have another grant for some traffic safety equipment, portable breathalyzers and some other stuff that we've wanted to get our hands on but just didn't have the budget to do it so we will keep you posted on that as well.

Communications

Mayor Monahan gave the following report:

11-1

From: Pat Monahan [mailto:pmonahan@columbus.rr.com]

Sent: Wednesday, May 16, 2012

To: 'Bryane Roberts'

Cc: 'Council'; ed.swanson@shawneehillsoh.org; shirley.roskoski@shawneehillsoh.org; 'Sean Lefever'

Subject: RE: Shawnee Hills picnic at OWC

Hi Bryane I think Sept 30th would be great. I am lining up a committee and when we get into June we can meet and get started planning.

As always thanks for your help!

Pat

Picnic Committee:

Merv and Mindy Roland and Cameron and Sarah Kemplin.

From: Sergeant Russell Baron [mailto:russell.baron@shawneehillsoh.org]

Sent: Tuesday, May 22, 2012

To: Ed.Swanson@ShawneeHillsOh.Org

Cc: Monahan, Pat (personal); Sean.LeFever@ShawneeHillsOh.Org

Subject: Thank You

Ed,

I would like to thank you and Mark for putting together the Click it or Ticket banners this year. Mark went out of his way and did an excellent job in making the brackets for the signs and placing them within the village. I also want to thank Mark for displaying the Click it or Ticket magnets on the village truck. The key to these traffic safety campaigns is spreading the word

within the community, Mark has been a huge help with that. Another key part of the campaign is involvement from other branches within the community government. Our village has been a text book display of the type of cooperation the state asks of communities.

Thank You!

Sgt. Baron

ROETZEL & ANDRESS

HYDRAULIC FRACTURING – THE REPORT
“SEPARATING FRACK
FROM FICTION”



June 26, 2012

Hilton Columbus at Easton
3900 Chagrin Drive
Columbus, OH 43219

Registration: 12:30-1 p.m.

Program: 1-4 p.m. immediately
followed by a cocktail reception

Roetzel & Andress presents today's most highly regarded authorities on shale gas development and energy, including Dr. Raymond Orbach from the Energy Institute - The University of Texas at Austin, and Spencer Abraham, Former U.S. Secretary of Energy and U.S. Senator, and current Chairman and CEO of Abraham & Roetzel, LLC. Join us as Dr. Orbach, our keynote speaker and world-renowned expert on

hydraulic fracturing, discusses the results of his most recent independent study: "Separating Fact From Fiction in Shale Gas Development."

Topics include:

- Environmental and health effects related to all phases of shale gas development
- Public perceptions of shale gas development and hydraulic fracturing
- State and federal regulations related to shale gas development, including lessons learned for Ohio
- A panel discussion on environmental issues related to hydraulic fracturing

Speakers:

- **Dr. Raymond Orbach**, Director, Energy Institute - The University of Texas at Austin
- **Spencer Abraham**, Former U.S. Secretary of Energy and U.S. Senator, and current Chairman and CEO of Abraham & Roetzel, LLC
- **Robert Casarona**, **Shane Farolino** and **Terrence Finn**, Roetzel

Registration:

Sign up online at <http://hydraulicfracturing.eventbrite.com> or call Kristen Warnke at 330.762.7725.

ralaw.com

From: Douglas Sams [mailto:dsams@delawarehealth.org]

Sent: Friday, June 01, 2012

To: Pat Monahan

Subject:

Mayor,

Mr. Fields on Mohican has been removing "stuff". He still working on removing more and trying to abide by orders from the Humane Society for large pens for his dogs. I was there this past week and the yard is looking pretty good from the requirements that I have. I will admit that there are many things there, but they do not pose a health hazard. However, as long as he is removing and is willing to remove the materials, I will continue to check back.

It is my understanding that the new dog pens will be to the right of the driveway. That should help clean up the front of the house some.

Let me know if there is anything else that I can be of assistance with. And I will keep you informed of progress (or lack of) on Mohican.

Email received about TIC issues:

From: EVERYTOY [mailto:EVERYTOY@columbus.rr.com]

Sent: Wednesday, May 30, 2012 9:08 PM

To: Monahan Pat

Subject: TICKS TICKS TICKS TICKS TICKS !!!!

Mr. Mayor

In your official capacity, have you heard of anyone else besides us having a really back tick problem this Spring ???

Just about every time our dog goes out in the land between our house and the river she comes in with at least one tick. This is despite religious applications of tick preventative medicine!!

Jane has also found several on herself, too, in the past couple weeks !!

This tick problem has been going on for about six weeks as of now.

I would really like to know if the village and/or Delaware County Health Dept. has any concerns regarding this issue - and if they have any intentions of doing anything about it ??

As we've discussed before in past years, these critters can carry and infect humans with very dangerous diseases.

Thanks very much.

Jim and Jane Jenkins

TICKS TICKS TICKS TICKS TICKS !!!! On Fri, Jun 1, 2012 <pmonahan@columbus.rr.com> wrote:

Hi Douglas I received a call yesterday and asked for a follow up email. He was very professional and I intend to go to the Commissioners. It is unacceptable that we are subjected to the blight that Columbus imposes on us in Delaware County yet don't get Delaware County help in combating it.

Thanks Douglas and please don't take this as aimed at you or Stephan! Any more update on Mohican?

Pat, Mayor Shawnee Hills, OH.

From: Douglas Sams [mailto:dsams@delawarehealth.org]

Sent: Thursday, May 31, 2012

To: Pat Monahan

Subject: Re: FW: TICKS TICKS TICKS TICKS TICKS !!!!

Mayor,

I have forwarded your email to Stephan Ruckman, Program Manager of Residential Services and requested him to follow up with you on this situation.

If you do not hear from him shortly, please let me know and I will do further follow up myself.

On Thu, May 31, 2012 at 7:13 AM, Pat Monahan <pmonahan@columbus.rr.com> wrote:

From: Michael Rogich [mailto:mrogich@delawarehealth.org]
Sent: Friday, June 01, 2012 2:46 PM
To: pmonahan@columbus.rr.com
Subject: Ticks and Mosquitoes

Dear Mayor Monahan

Per your request, this is an explanation of the Board of Health policy on mosquito control within the Delaware General Health District. Years ago, we received many complaints that we fogged too much and was just spreading pesticide for no reason. Therefore, approximately 10 years ago, the board decided that mosquito fogging would be done only when mosquitoes that actually tested positive for disease was found. Being a public health agency, it only makes sense we try to prevent the spread of disease and not fog just to reduce nuisance mosquitoes. (With pesticide being so expense, this also helped to keep our budget in line). This basically eliminated the fogging of nuisance mosquitoes and thus the complaints that we fogged too much. The public has appeared to embrace this policy and be satisfied with it, although we still receive complaints from both sides of the coin, they have greatly diminished.

As you know, we do have a mosquito trap in Shawnee Hills. If that trap produces positive West Nile Virus mosquitoes, we will certainly begin fogging there. Absent any positive mosquitoes, there is the possibility the Board of Health would permit us to fog along the Columbus City property in Shawnee Hills, but that would take a special request by your office to the Board of Health justifying the reason to fog for nuisance mosquitoes. If you wish to request the Board of Health permit fogging in your area, please forward me your request with justification and I will be sure to get in on the next Board of Health agenda. That meeting is scheduled for June 26, 2012 and the agenda goes out a week prior.

There is also the potential for Shawnee Hills to purchase their own mosquito fogging machine and certify their own employee to perform the fogging. If you wish to explore that possibility, let me know and I will get you contact information for the company where we purchased our foggers.

I will follow this e-mail up with a phone call to discuss this further.

Thanks

Michael Rogich
Environmental Health
Delaware General Health District

Mayor's Report:

Mayor Monahan gave the following report:

MAYOR'S COURT REPORT

April, 2012

4,358.00 BAL. BROUGHT FORWARD

DEPOSITS:

4,614.00 TRAFFIC RECEIPTS

[398.00] NSF, CASE #12TRD00122; CASE #11CRA00038

4,286.00 ADJUSTED TOTAL RECEIPTS

DISBURSEMENTS:

1,012.50 STATE TREASURER

335.00 COMPUTER FUND

2,973.00 GENERAL REVENUE FUND

37.50 DELAWARE MUNICIPAL COURT-INDIGENT DRIVERS ALCOHOL

TREATMENT

4,358.00 TOTAL DISBURSEMENTS

4,358.00 BAL. BROUGHT FORWARD

4,358.00 DISBURSED

0.00 BALANCE

RESPECTFULLY SUBMITTED,

JOYCE A ARMSTRONG

2012 Shawnee Hills Police Memorial Department Tournament Offense Detail

Disorderly Conduct- 5

Public Urination - 12

OVI- 1

Narcotics Related- 4

Open Container- 2

Other Criminal Citations- 4

2012 Shawnee Hills Police Department May Statistical Summary Statistics

Assist To Citizens- 229

Calls to Service-7

Business Checks-237

House Checks-0

Traffic Stops-18

Traffic Warnings-9

Traffic Citations-14

Arrests or Charges Filed-28

Reports-21

Miles Driven-143

A-Unit Hours-199.5

I want to take this time, on record, to commend the Chief and our Police for their highly professional handling of the Memorial tournament. The incident of the 3 young men who fled

and were later apprehended drew a lot of attention and some less than adult communications. We have reviewed the proceedings as have other law enforcement organizations and it was all executed by the book. We have as listed in the Memorial Tournament statistics 12 public urination situations and none are any more or less important than the others. Some people have missed the point concerning the incident that occurred it wasn't the peeing it was the fleeing that escalated an otherwise simple citation. All will be treated the same.

We are always very careful on how we charge people because if a charge that was suggested by Delaware County of indecent exposure was made and the accused found guilty they could become a registered sex offender and made to register for 10 years. I have instructed the Delaware County court that that Will Not be charged and as they suggested there could be charged with a felony. I again have told them as I would with any of the same circumstances that also Will Not happen! I have instructed Brian to handle the prosecution in Delaware County Court.

I again commend our Police for the Professional Job they did.

On May 6th The Chief, Council President Gauldin, Safety Chair Council Member Garren and I met with our Prosecutor Edir Burden and our Magistrate Larry Stevens. We reviewed our Mayor's Court Proceedings. We came up with some process improvements that included:

- A report from the prosecutor following each Mayor's court session.
- Increased notification of extenuating circumstances between the Police and Prosecutor.
- Increased software training if needed for the Mayor's Court Clerk and provide proper filing facilities in the new bldg.
- The Prosecutor to meet with the Police and provide court training
- The Prosecutor will be invited to a Safety mtg. every 3 months and we will have the ability to review cases and make sure our Communications have improved the overall process.

With that being said I would ask that Resolution 14-2012 be removed from the table and amended to be a 1yr. contract. I am very confident that we have taken the correct steps. The court is in my name and I want to make sure we continue to evaluate this Court make the right adjustments and make sure it best serves our community.

I do need an experienced volunteer to chair the Village Picnic Committee. The picnic is scheduled for Sunday Sept 30th and we have 2 couple who are new to the Village who have volunteered to be on the committee bit need someone to work with the businesses to get at cost food provided. Please let me know.

We have the Sidewalk phase 2 engineering and the Timothy L. Fellure bldg. expansion engineering completed and I believe the next steps would be:

Get Finance to review and recommend the actions. I do hope we consider if the sidewalk could be paid for through existing funds in light of the intersection and other commitments we have. Council action? = what is required on the sidewalk and on the bldg? Do both go out to bid first? I believe that has already been authorized for the building correct? Do we have that for the sidewalk?

What are the next steps?

I met with MORPC on the 7th and we discussed a few issues.

The possibility of a bike path on the North side of Glick Rd connecting the Dublin bike path and crossing the O'Shaughnessy Dam to the Zoo / Delaware County bike path. This would be difficult to accomplish but I have asked them for their help

We also have pamphlets they provided concerning both Ride Share and home buying education and credit. They are in the Village Office.

Planning and Zoning has passed two motions recommending to Council that we move forward with both the Private Park space dedicated to the private use of the residents of the Village and their accompanied guests at the end of East Old Powell Rd. This is recommended to be designed to be landscaped and have signage restricting the users from disturbing the residents along the river. Engineering is developing the estimates.

The second recommendation is to make a small passive park at the pump along E Parkview. It would place a single bench and a historic Plaque next to the pump that would be refurbished and welded in place.

Planning and Zoning continued to look at Annexation. Our Village Engineer has developed cost estimates of what it would take to perform different phase approaches starting with contiguous land to our existing sewer line to the building and implementation of new lines. I will ask Ed to bring that forward to Utilities to see what recommendations you may have.

I am not quite sure what the next steps are but I distributed the Cliff Notes version of the steps of Annexation to Council. I am not sure we had a clear understanding of it before but believe we need to be aware of what is required and decide if and what we want to do to grow the Village.

I would ask Service to look at the engineering has for providing 4 Right of way Parking spots, two along E Oneida and 2 along Cuyuga. John Peel owner of Aspen Energy is willing to pay for them since he has through increased employment outgrown his parking lot. John is also fine for these to be public parking after work hours. I highly encourage Service to consider this and return with a recommendation and legislation by the next Council mtg. thanks!

Our 3 new street lights have been installed and look great. I believe they will be live within the next 2 weeks. They look great, have we ordered the patriotic banners, hardware and the flags? Yes, we have them.

Council member Dalvi asked if E. Huron was going to be paved since we changed the traffic pattern there. Mayor Monahan said it will be done during the paving project.

Council Member Dalvi said the no left turn sign on Dublin road is confusing as people thinks it means no left turn on Mohawk instead of Pawnee.

Mayor Monahan said Sam will have her No Parking sign installed tomorrow.

Committee Reports

Council member Gauldin said that Safety met and discussed some of the things that were brought up at the last Council meeting having to do with the Village Prosecutor at the time. He thinks during the meeting with the Prosecutor, things actually opened up and we found a couple

of different things that we wanted to improve upon so those things came to Safety and Safety made a motion, and it passed, that we authorize to renew the Prosecutor contract for one year with the following conditions:

The Prosecutor is now authorized to spend up to one hour following each court session to put together a report on the disposition of each case heard at that session of Mayor's Court and provide it to Safety and the Mayor to be reviewed.

Any extenuating circumstances through any of the cases will be brought to the Prosecutor's attention before the case is heard to give him time to work through that.

Yearly reviews to collaborate on any process gaps discovered throughout the prior year.

The Prosecutor shall be and is always, for that matter, invited to the Village Safety meetings.

These will be requested on a quarterly basis for review procedures. This appearance can be reduced to yearly as seen fit.

Additional training for the Village Clerk of Courts, if she needs it on the software used for court reporting.

Also we want to try to keep track of her caseload so that if for any reason she is overwhelmed, we can bring somebody else in to help her and,

Lastly requesting that the prosecutor meet with the police as a whole as needed to better educate the officers in what to expect in court and how to generate solid citations.

Council member Gauldin said we believe now that we have a system in place that supports our police, supports the community, supports the court and it feeds back so that as a legislative body if there is an issue we get that information back so that we can make adjustments as well.

He said they did talk about some Mayor's Court follow ups and some events associated with the Memorial Tournament.

Council member Callender said Service met this past Monday and Ed was not able to make it but he did leave a report that they went over in Service. A lot of the stuff has already been discussed tonight in regards to street repairs and the white paint markings that you see on the streets. He said that Bill, owner of Hella's has decided not to increase his parking space at this time; they are going to use the parking space across the street at the gold place.

He said that Ed did write that Aspen Energy is reviewing options for the parking and the Mayor mentioned earlier about parking spaces along the right of way there so Service will take a look at that.

John Piccin is looking at costs to improve the park areas.

Patridge Surveying will be looking at four locations along Dublin Road for the placement of the benches to see if we need easements or not.

Legislative Actions

It was moved by Gauldin, seconded by Mathews to remove from the table Resolution 14-2012.

Council member Callender asked the Chief if he was satisfied with the recommendations from Safety. Chief LeFever said they reviewed everything and Safety addressed some communication problems that they have had in the past from both sides and he thinks that everything that has been set down will resolve those problems. Following vote on the motion is 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 Gauldin, seconded by Mathews to amend Resolution 14-2012 by changing the contract to say one year instead of two years. Following vote on the motion is recorded: yea, 5; Callender, Dalvi, Gauldin, Mathews and McVan. Nay, none. Chair declared the motion passed by a 5-0 vote.

Third Reading- Resolution 14-2012 – a Resolution to authorize the Administrator and Fiscal Officer to enter into a contract with Eric J Burden for Prosecutorial Duties for the Village of Shawnee Hills, Ohio as amended

It was moved by Dalvi, seconded by Gauldin to pass Resolution 14-2012 as amended. Following vote on the motion is recorded: yea, 5; Callender, Dalvi, Gauldin, Mathews and McVan. Nay, none. Chair declared the motion passed by a 5-0 vote.

Second Reading- Ordinance 07-2012 – An Ordinance designating the Delaware County Bank & Trust Co. as the Village Depository

Second Reading- Resolution 21-2012 – A Resolution authorizing the Administrator and Fiscal Officer to enter into an ACH Agreement with the Delaware County Bank & Trust Co.

First Reading- Resolution 22-2012 – A Resolution of support for the Upper Scioto Watershed Balanced Growth Plan.

First Reading- Resolution 23-2012 – A Resolution authorizing the Village Administrator to execute an amended agreement for a Countywide Emergency Management Agency and declaring an emergency. It was moved by Gauldin, seconded by McVan 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 is 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 McVan to pass Resolution 23-2012. Following vote on the motion is recorded: yea, 5; Callender, Dalvi, Gauldin, Mathews and McVan. Nay, none. Chair declared the motion passed by a 5-0 vote.

Bills

It was moved by McVan, seconded by Mathews to pay the bills in the amount of \$73,797.61. Following vote on the motion is recorded: yea, 5; Callender, Dalvi, Gauldin, Mathews and McVan. Nay, none. Chair declared the motion passed by a 5-0 vote.

Treasurer's Report

It was moved by Gauldin, seconded by Dalvi to approve the following treasurer's report: General Fund 297,035.05, Street Fund 74,068.00, State Highway Fund 1,532.02, Enforcement and Education Fund 1,985.00, Mayor's Court Computer Fund 3,720.34, Fire Fund 127,283.66, Weed Fund 7,631.15, TIF Fund 8,389.26, TIF 2 Fund 2.43, Veteran's Memorial Fund 580.94, Capital Projects Fund 103,092.50, Sewer Operating Fund 31,570.99, Sewer Replacement Fund 96,000.00, Storm Sewer Fund 8,557.00, Debt Service Fund 66,132.07, Debt Service Reserve Fund 98,287.24 for a total of \$925,867.65. Following vote on the motion is recorded: yea, 5;

Callender, Dalvi, Gauldin, Mathews and McVan. Nay, none. Chair declared the motion passed by a 5-0 vote.

Executive Session

It was moved by Gauldin, seconded by Callender to adjourn from regular session and move into executive session to discuss pending or imminent litigation.

It was moved by Gauldin, seconded by Callender to adjourn from executive session. Following vote on the motion is 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 Gauldin, seconded by Dalvi to move back into regular session. Following vote on the motion is recorded: yea, 5; Callender, Dalvi, Gauldin, Mathews and McVan. Nay, none. Chair declared the motion passed by a 5-0 vote.

Miscellaneous Business

Brian Zets said that the insurance company for Kincaid Wastewater Services has requested that he village pay for their defense in the litigation in regards to Darryl Sander. He said he is not sure if Kincaid has been named to the lawsuit or is about to be named but they have requested first that our insurance company pick up the tab for this defense and our insurance company denied that request and our insurance counsel asked Brian to ask Council if the village itself would be interested in picking up this cost. Council member Gauldin said Kincaid is a contractor for us, is that correct? Brian said yes he is an independent contractor. Council member Gauldin said so he carries his own insurance so basically our insurance covers us and his insurance covers him and that is kind of how we have been doing things. Council member Dalvi said that is how it should be and we should not pay for his defense. The rest of council concurred.

Council member Gauldin said we have received an authorization letter from RITA to do a subpoena program for the village this year. The cost for each subpoena is \$8.00 and they are asking for council approval for this cost. It was moved by Gauldin, seconded by Dalvi to approve the cost of the subpoena program from RITA. Following vote on the motion is recorded: yea, 5; Callender, Dalvi, Gauldin, Mathews and McVan. Nay, none. 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 June 25, 2012. Following vote on the motion is recorded: yea, 5; Callender, Dalvi, Gauldin, Mathews and McVan. Nay, none. Chair declared the motion passed by a 5-0 vote. Chair declared the meeting adjourned.

Fiscal Officer

Mayor

