

Village of Shawnee Hills Council Meeting Minutes

June 24, 2013

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

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

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

It was moved by Garren, seconded by Gauldin to approve the minutes from May 13, 2013 with the following amendments: add that the minutes from April 8, 2013 and April 22, 2013 were approved with amendments. Mayor Monahan gave Shirley a list of corrections to make on those minutes. On page one, change the word *top* to *to*. Following vote on the motion was recorded: yea, 6; Callender, Dalvi, Garren, Gauldin, Mathews and McVan. Nay, none. Chair declared the motion passed by a 6-0 vote.

It was moved by Callender, seconded by Garren to approve the minutes from June 10, 2013 with the following amendments: under Administrator, change the amounts to 250,000.00 to 500,000.00 not 257,000.00. On page three change the word *to* to *for* and there is a small m for the word Mark. On page 4 add that we also discussed that Mike McVan' seat was up for election also. Following vote on the motion was recorded: yea, 5; Callender, Garren, Gauldin, Mathews and McVan. Nay, none. Abstain, one: Dalvi. Chair declared the motion passed by a 6-0 vote.

It was moved by Garren, seconded by McVan to approve the agenda with the following amendments: The first two pieces of legislation are second readings, not first readings. Following vote on the motion was recorded: yea, 6; Callender, Dalvi, Garren, Gauldin, Mathews and McVan. Nay, none. Chair declared the motion passed by a 6-0 vote.

Solicitor

Brian Zets said that he worked with the Mayor in regards to 9699 Dublin Road with respect to how that is currently zoned, whether or not it can be rezoned, what the process may be to go through that, it was just really simple information on how that could be done if it could be done. He attended a pre-trial up in Delaware County for one of our matters that got transferred up there. He also worked the last week with the engineer on the rebidding of the sidewalk project and Brian told him that it had to be rebid.

Administrator

Ed Swanson said Jim asked him at the last meeting if he would look up the report on the drainage priority list and revise that and he has not had a chance to do that so he will have it for the next meeting.

He informed Council that El Vaquero has voluntarily agreed to pay to install a crosswalk and a solar powered crosswalk sign that connects from their place to the parking lot across the street at

the Morgan House. Mayor Monahan said this is a win, win because they were looking at other places to park the cars.

Ed said we have received the go ahead from the County in regards to the CDBG grant to install an ADA sidewalk over at the Police Department. We have to install a small parking lot which will cost about \$5,000.00 to get a \$20,000.00 sidewalk to circle the entire area. This has to be used by February 2014.

He informed Council that the house at 55 E Muskingum Drive has been torn down. We have been working with Brian, Eric and the County for the past few years trying to get this resolved. Ed said that the Mayor has asked him and he has not had a chance to do this yet either, to go around to four or five businesses and talk to them about the legislation we passed in regards to the \$500.00 fine for somebody coming too early to empty trash. We want to put a sign up on their property stating this so everybody would know about it. Mayor Monahan said we have about five places that need that. We always used to get calls about Wendy's before El Vaquero was even there and the idea behind it is, he talked to the Chief, he wants to make sure the businesses understand that if they show up there, he believes that we can cite the owner of that restaurant. Brian said no, you have to cite the person causing the ruckus.

Communications

Mayor Monahan gave the following report:

I HAVE BEEN ENGAGED IN THE ACTIVITIES YOU MAY HAVE READ IN THE PAPERS CONCERNING THE Amendments introduced by State Senator Jordon to allow Residents contiguous to the Columbus owned land along the reservoirs the ability to mow:

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

Sent: Wednesday, June 12, 2013

To: 'Senator Jordan'; 'O'Brien, Ken'; 'Stapleton, Dennis'; 'Merrell, Gary'

Cc: 'Ed Swanson'; 'james.gauldin@shawneehillsoh.org'

Subject: FW: HOOVER RESERVOIR - IMMEDIATE ACTION NEEDED

First thing thanks Kris. Your Amendment was the best thing done to help our residents to date.

Ken, Dennis and Gary I want to again request that The Delaware County Commissioners propose and pass a blight ordinance making properties owners in Delaware maintain their property. To the point made in today's Dispatch Article (see below) we don't want to cut Columbus's grass we want them to! But if they won't for health and safety reasons we must get this cut and our residents will cut.

I want Delaware County to be able to charge an irresponsible property owner (as we do) for failing to maintain their property:

From the Dispatch 6-12-13:

But to legalize trespassing, not to mention the degradation of a city's water supply, should be a nonstarter.

Columbus Public Utilities Director Greg Davies said it succinctly: The city "is not prohibiting people from mowing their grass. We're prohibiting people from mowing our grass."

ARTICLE:

✔ Perhaps the Ohio Senate needs a refresher course in property rights, seeing as how it has approved in its budget bill a provision that empowers people to trespass on property next to theirs if they don't like how it's maintained.

Sen. Kris Jordan, R-Powell, is behind an amendment that allows residents next to reservoir property to mow it. The bill also forbids cities — the owners of the property — from doing anything about it.

The key phrase is next to: People who live along reservoirs sometimes seem to take no heed of the fact that they don't own the land all the way to the water, but that is the fact. The city of Columbus owns strips of land along its reservoirs and generally keeps them planted in prairie grasses, shrubs and trees. It's not simply an aesthetic preference; the vegetation is there to filter out the lawn fertilizers and pesticides that otherwise would roll off of lawns and streets and into the city's drinking water with every rain.

So Jordan's amendment not only is an infringement on property rights, it's a detriment to the hundreds of thousands of people who depend on the city's water supply.

Jordan said city officials have been heavy-handed with those who own property next to reservoirs. If that's so, the city should take care to educate reservoir neighbors about the importance of vegetative buffer strips.

But to legalize trespassing, not to mention the degradation of a city's water supply, should be a nonstarter.

Columbus Public Utilities Director Greg Davies said it succinctly: The city "is not prohibiting people from mowing their grass. We're prohibiting people from mowing our grass."

Thanks Kris, Ken, Dennis and Gary!

Pat

Pat Monahan

Communications I sent to Governor Kasich last week:

Governor Kasich I am writing asking you for your support of SC3564; SC3572. Columbus has maintained a dangerous position on the mowing and care of their land bordering the reservoirs. As Mayor of the Village I am extremely concerned about the health and safety risks that are posed to our Village because of the Columbus heavy handed and unreasonable approach.

It is hypocritical that they do not apply the same standards to their properties, Zoo, golf courses and sailing clubs that our residents see every day.

Governor Kasich I applaud Senator Jordon for his proposed amendments and ask on behalf of our entire Village for your support. If your staff would like to come and visit and see 1st hand what are residents are being subjected to please have them email me and I will be glad to meet with them.

Thank you Sir Respectfully!

Patrick C. Monahan

Mayor of Shawnee Hills, OH

Further Communications with Senator Kris Jordan and Rep Andrew Brenner:

Thanks Kris for taking the step forward to propose SC3564; SC3572. They are the best attempt to date to help alleviate the health and safety issues caused by Columbus dealing with the lands around the reservoirs.

I have sent the below communications today to Governor Kasich and our Village residents appreciate your support not only along the river but for the safety and health of the entire Village.

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Governor Kasich I applaud Senator Jordon for his proposed amendments and ask on behalf of our entire Village for your support. If your staff would like to come and visit and see 1 st hand what are residents are being subjected to please have them email me and I will be glad to meet with them.

Thank you Sir Respectfully!

Patrick C. Monahan

Mayor of Shawnee Hills, OH.

Thanks Kris and Andy!

Pat

Mayor's Report

Mayor Monahan gave the following report:

I do want to thank Sarah and Cameron Kemplin who have volunteered to co-chair our Village picnic this year on Sept 15th at the Ohio Wildlife Center.

Mahesh, Sarah has an idea she would like to discuss about a Village Facebook page and I suggested to her that since I don't do Facebook I would ask you to reach out to her to discuss her ideas if you will?

Ed and I met with Dublin City Manager and Council member John Reiner to discuss the intersection. Ed had attended a meeting in the beginning of the month at ODOT where Paul Hammersmith pulled back in the dollar amount that Dublin had made in the past and we wanted to discuss that with them.

I told them that I was disappointed in what appears to be a regression in their monetary commitment. We had more discussion along that line.

Council member Reiner made a statement that their Council has considered eliminating the left hand turn north onto Dublin Road for the Muirfield traffic and that would probably hurt our businesses. I responded to that statement that I felt using a hot poker was in an inappropriate way to reach a reasonable negotiation. Council member Reiner suggested we should consider borrowing \$500,000.00 through the grant to attain what is needed. I explained emphatically we would not even nor could we consider that. We explained that most likely 10% of the traffic traversing the intersection at Glick and State Route 745 were Shawnee Hills residents, approximately 70 % were Dublin residents and the other 20 % other Delaware County traffic.

When we closed that part of the conversation it was agreed:

- We would work with Jim Danes to write the grant with Dublin's review and advice.
- I made it clear that we have committed the max we can and our \$50,000. We have set aside for the intersection is one and the same as the seed money for the grant.
- We will check with Brian the feasibility of Dublin borrowing and paying back the additional \$500,000. That will most likely be required for the project in addition to their \$250,000 to \$500,000.00 commitment.

- I have also agreed to go back to Delaware County and negotiate their increasing the commitment to the intersection since it is a critical route and wholly within Delaware County.

In later communications with Tina W. Dublin engineering I suggested if Dublin Council were to consider prohibiting left hand turns onto Dublin Rd for the Muirfield and other traffic heading East on Dublin “to alleviate pressure on the intersection”, I would come back to you with a recommendation to prohibit left hand turns South onto Dublin Rd for traffic headed West into Muirfield. I stated to Tina I felt that both wouldn’t be constructive and would result in unnatural traffic patterns in Muirfield and Dublin.

We did ask that Dublin consider putting in two temporary or even permanent relief roads. One from East of the Bogey alongside the Bogey and traversing their Water tower lane to alleviate traffic both headed South on Dublin and East on Glick. This could also contain the bike path connecting the Dublin bike path and across the dam to the Zoo. We would have to install a crosswalk at our eastern most point on Glick Rd to get the traffic to the North side of the bridge. As stated in the communications to Dublin Engineering, even under the best of circumstances we will be hard pressed to fit a bike path along with the additional turn and stacking lane on the East side of Glick.

I also suggested to Tina that Dublin consider another like relief road that would run between the West side of Glick behind the Morgan house and coming into Dublin Rd just South of Jimmy Vs. This would again take a considerable amount of pressure off the intersection and serve to alleviate the situation while the construction which will most likely be a miserable situation. Dublin Engineering thanked us and said they would give our suggestions consideration.

If you have any Newsletter articles please have them to me by Noon tomorrow Tuesday 6-25.

I want to thank the Chief and Sgt Baron as they are attending Emergency Management government funded training this week on Incident Management.

Planning and Zoning will be meeting tomorrow evening at 7 PM we have a number of subjects but one of them is the request made by the property owner to rezone the residential lot at the East end of Shawnee Woods (Buckeye Dr).

The owners who live on Buckeye Dr. are also willing to deed restrict the lot next to Dublin Rd. This would retain the landscaping and sign and always provide a buffer.

There is more to come on this. I have had Brian prepare draft legislation which I need to vet out with the property owner and Planning and Zoning. Once completed it will require public advertisement and surrounding notifications and come to you for a full 3 reading consideration.

You will be considering legislation tonight Resolution 13- 2013. From the Mayor’s Conference we were made aware of another attempt to lessen funding to the municipalities from the state. I asked RITA to do an assessment for Shawnee Hills and it had a negative \$10,000.00 impact on us over a five year period.

I will ask for your support to send a clear message to our State Representatives that we oppose this. Thanks

Due to the high bids we need to again rebid the sidewalk project.

Committee Reports

Council member Callender said that Utilities met and they did not have anything new to discuss. They did bring up about the storm sewer list which Ed had mentioned earlier and we are waiting for that.

Council member Dalvi said that Finance met just before this meeting so it is still fresh. We discussed two major agenda items: one was the Shawnee Trail street work which was discussed in terms that the appropriation was for \$116,000 and we needed \$ 23,000 more to complete the project and he thinks based on the discussion that we had we are going to allocate the additional amount, we approved the additional amount, it makes sense for a couple of reasons: one, we thought that if we wait now and knowing how the prices have been shifting it would probably be more expensive so we just want to get it done now and we have that money to proceed with the project and it will be part of the reappropriation ordinance tonight.

He said the next thing they discussed was the sidewalk. The ask was to allocate some additional amounts to do it to E. Scioto but, as part of the discussion it occurred to us that there are other creative ways we can do it giving the same benefits, not just to the folks that are on the east side but also to the residents on Buckeye Drive by kind of splitting it. You go up to E. Oneida and then go down E. Oneida to Miami Dr. and take that to E. Scioto then up to Buckeye. At the end of the day what we decided was, we are going to go back and rebid it in three sections: one goes from Mohawk to E. Oneida, then from E. Oneida to E. Scioto, then from E. Scioto to Buckeye Dr. He said we still want comfort in our budget numbers, hopefully by doing this, if it works out, we may have to spend a little bit more but it won't be an additional \$20,000.00. Part of the reason we are doing this is based on the current run rate that Shirley and the committee discussed is that we have around \$50,000.00 that has not been allocated, we have some flexibility but that's coming too close. Council member Garren said with the approval to do Shawnee Trail that amount drops down to \$27,000.00. We don't want to go to zero so I think this is a good solution knowing where we are with the sidewalk, seeing where the bids are coming but what is fascinating, just so you guys know, is that the piece that we are talking about right now, in his view, it is probably one third of the sidewalk area that we have already done so one third is costing us the same amount of two thirds so that is how much the cost has gone up. Mayor Monahan said he thinks we paid out \$150,000.00 the last time. So the point was should we build this when the cost is the most expensive so this part about still using the money that we borrowed but keeping it within it but meeting the needs of our residents probably will work out based on the idea of splitting it and using Miami it could work. Council member McVan asked if we would ever revisit doing that part in the front. Council Member Dalvi said eventually we will; let's see how it works out. The point is by doing what we are doing and if it works out, one the cost will be reduced and all of our residents will not have to walk on Dublin Road. Council member Callender said so let me get this straight, the rebid of the sidewalk will not add this one section. Mayor Monahan said it will be bid out but separated into three sections depending on the cost.

No new engineering will be needed for this.

The third thing was the parking lot over by the Police Department which the Mayor has already touched on. If you recall most of you are aware of the fact that we had this grand idea of building a new building with a sidewalk around it and that is still in play but it requires us to put in \$5,000.00 for the parking lot and Finance approved that cost because if you are getting \$20,000.00 in grant money you might as well do it and it lays the foundation to revamp that

whole area. The idea is to revamp it by tearing out the old equipment and we will figure that out next year. He said his thought is if you look at the demographics now of the village there are more younger kids coming in and he would strongly recommend somewhere down the road we put some money into that park area. By doing this it is a good start.

He said one other request they discussed is that we have a lot of our residents coming in with RITA tax issues so we want to have a representative from RITA come to the Finance meeting to answer our questions.

He said hopefully we will have a five year trend available for one of our future Council meetings.

Council member McVan asked that when we pave Shawnee Trail does that include the section where the new house is being built. Ed said that they are paying for that. Council member McVan said he understands that but what he is saying is that when they pave are they going to pave it all at once even that part. Ed said he offered to those folks to try to work that out schedule wise and he is going to work hard to do that, it would be nice to have it all done at one time. Council member Dalvi said we do not want to have our road done before heavy traffic comes in. Mayor Monahan said we talked about that and all the heavy stuff has been in. Shirley said they are supposed to move in the middle of August and then they have thirty days to get the road completed. Council member Gauldin said we also collect a right of way bond so if there is damage we can always go back on that. Mayor Monahan said we collect \$3,000.00 for the right of way and the property owner gets \$ 2,500.00 back if they do not damage the roads. Ed said the engineer takes pictures of the road before the building starts.

Mayor Monahan said he thinks we have as good of engineers as we have ever had but he is disturbed by the fact that our engineering cost on the sidewalks came out to be 18.5 percent. He would like Service to consider and maybe they need to talk to Brian, the proposal of putting a cap of 15% on the engineering cost.

Legislative Actions

Second Reading- Resolution 11-2013- A Resolution authorizing the Administrator to sign the contract with Shelly and Sands, Inc. for the 2013 Paving Improvement Project for the Village of Shawnee Hills, Ohio and declaring an emergency. It was moved by Dalvi, seconded by Gauldin to suspend with the third reading and declare Resolution 11-2013 an emergency. Following vote on the motion was recorded: yea, 6; Callender, Dalvi, Garren, Gauldin, Mathews and McVan. Nay, none. Chair declared the motion passed by a 6-0 vote. It was moved by Gauldin, seconded by McVan to pass Resolution 11-2013. Following vote on the motion was recorded: yea, 6; Callender, Dalvi, Garren, Gauldin, Mathews and McVan. Nay, none. Chair declared Resolution 11-2013 passed by a 6-0 vote.

It was moved by Gauldin, seconded by McVan to table Resolution 12-2013 based on the fact that we are going to ask for a rebid of the sidewalks. Following vote on the motion was recorded: yea, 6; Callender, Dalvi, Garren, Gauldin, Mathews and McVan. Nay, none. Chair declared the motion passed by a 6-0 vote.

First Reading- Resolution 13-2013 – A Resolution that the Village of Shawnee Hills strongly opposes the passage of HB 5 by the Ohio General Assembly in its current form which proposes

uniformity measures for municipal income tax in the form of unfunded mandates and a substantial loss of revenue, and declaring an emergency. Council member Garren said that she has done some reading on this but she feels like she hasn't done enough research to make a statement on this at this point. Council member Dalvi asked if we had a precedent on making statements like this and he said there are many others like this and wanted to know if there was a particular reason why we are doing this. Mayor Monahan said at the Ohio Mayor's conference they asked if every municipality would do this. He said it was about as across the board, usually you can't find an issue that doesn't have a party preference, it was just across the board and they asked us if all would consider it. He went back to Lori at RITA and asked her to do an assessment for us and the impact is about \$10,000.00 over a five year period so that is the reason that I wanted to put this out in front of you. He said they originally were going to do the collection and that has been thrown out. Council member Dalvi said that people read our minutes and we may get some questions on HB 5. Mayor Monahan said in this case we are protecting the money that is coming into our Village. It was moved by Gauldin, seconded by Dalvi to suspend with the second and third readings and declare Resolution 13-2013 an emergency. Following vote on the motion was recorded: yea, 5, Callender, Dalvi, Gauldin, Mathews and McVan. Nay, one; Garren. Chair declared the motion passed by a 5-1 vote. It was moved by Dalvi, seconded by Gauldin to pass Resolution 13-2013. Following vote on the motion was recorded: yea, 5; Callender, Dalvi, Gauldin, Mathews and McVan. Nay, one; Garren. Chair declared the motion passed by a 5-1 vote.

First Reading- Ordinance 15-2013 – An Ordinance to reappropriate funds for current expenses and other expenditures of the village of Shawnee Hills, State of Ohio, during the fiscal year ending December 31, 2013. Shirley said that she made adjustments based on the current revenue status and the expenditures of the Village. She said it is marked on the ordinance whether or not the item is new, increased or decreased. It was moved by Gauldin, seconded by Garren to amend on page two the line item that says Capital Projects – Roads add the amount of \$23,723.00 to the blank line and remove the line that says sidewalks. Following vote on the motion was recorded: yea, 6; Callender, Dalvi, Garren, Gauldin, Mathews and McVan. Nay, none. Chair declared the motion passed by a 6-0 vote. It was moved by Garren, seconded by Dalvi to suspend with the second and third reading of Ordinance 15-2013 and declare it an emergency as amended. Following vote on the motion was recorded: yea, 6; Callender, Dalvi, Garren, Gauldin, Mathews and McVan. Nay, none. Chair declared the motion passed by a 6-0 vote. It was moved by Callender, seconded by Garren to pass ordinance 15-2013 as amended. Following vote on the motion was recorded: yea, 6; Callender, Dalvi, Garren, Gauldin, Mathews and McVan. Nay, none. Chair declared the motion passed by a 6-0 vote.

Bills

It was moved by Garren, seconded by Gauldin to pay the bills in the amount of \$28,093.50. Following vote on the motion was recorded: yea, 6; Callender, Dalvi, Garren, Gauldin, Mathews and McVan. Nay, none. Chair declared the motion passed by a 6-0 vote.

Treasurer's Report

It was moved by Garren, seconded by McVan to approve the following treasurer's report: General Fund 229,902.19, Street Fund 103,242.20, State Highway Fund 4,243.37, 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 8,464.81, 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 64,702.93, Sewer Replacement Fund 106,000.00, Storm Sewer Fund 6,470.89, Enterprise Debt Service Fund 90,782.91 and Enterprise Debt Service Reserve Fund 98,859.69 for a total of \$1,124,343.52. Following vote on the motion was recorded: yea, 6; Callender, Dalvi, Garren, Gauldin, Mathews and McVan. Nay, none. Chair declared the motion passed by a 6-0 vote.

There being no further business, it was moved by Callender, seconded by Gauldin to adjourn until July 8, 2013. Following vote on the motion was recorded: yea, 6; Callender, Dalvi, Garren, Gauldin, Mathews and McVan. Nay, none. Chair declared the meeting adjourned at 7:48 p.m.

Fiscal Officer

Mayor