

Village of Shawnee Hills Council Meeting Minutes

March 11, 2013

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

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

Absent: Mahesh Dalvi

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 February 25, 2013 with the following amendment: correct the spelling of the word please on page 4. Following vote on the motion was recorded: yea, 5; Callender, Garren, 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 approve the agenda. Following vote on the motion was recorded: yea, 5; Callender, Garren, Gauldin, Mathews and McVan. Nay, none. Chair declared the motion passed by a 5-0 vote.

Solicitor

Brian Zets said he worked with Mark on a couple of finishing touches for the Vet Clinic, their variance, basically outlining exactly what their variance is so it was all on paper and it was very clear exactly what the variance was when it was granted. He worked on the legislation tonight to amend the BZA membership and he also attended an arraignment up in Delaware County Municipal Court, nothing in particular, just a simple matter. He also looked again in the doubling of fines with respect to the Mayor's Court fees. He said in theory it's a great idea, people don't pay their fines we double it. The practical matter is it's virtually impossible to do that because there is no real deadline to pay those fees. When people come into Mayor's Court, some people pay immediately, they get a fine, they pay it and they are on their way. Other people cannot pay them for whatever reason and lots of times, and he does not know this first hand with Mayor's Court here but he prosecutes at Kirkersville and other places, folks come in and it is up to the discretion of the Magistrate and the Magistrate imposes a fine and somebody says they can't pay the Magistrate asks them how much time do you need and they say well I need 30 days, okay take 30, I need sixty because I am trying to find a job, they have a hardship etc. Mayor's Courts can be very lenient with these people and they should be, but that gets you to a point where a person gets thirty days and they come in and make a payment and they come in at the thirty day deadline and ask for more time and the Magistrate approves that and the next thing you know there is no real deadline so you can't just say fines are automatically doubled after sixty days because there is no real deadline so that makes doubling impossible. Brian said he thinks we do warrant blocks on licenses and we have the ability to suspend people's license so those are all good deterrents.

Mayor Monahan asked Brian is it was feasible to change our legislation to say that they must pay in full by ninety days from the day of judgment and at 180 days it would double, is that feasible or do you think the warrant is the right way to go. Brian said he does not think it is feasible because it is really the discretion of our Magistrate and the Prosecutor. Normally when he is prosecuting, whatever the Magistrate wants to do is fine and he is sure Eric sort of runs the same way. You really can't because that is part of the sentence, if you will, and the fine that the Magistrate imposes on someone when they plead guilty to a speeding ticket. Mayor Monahan asked if it was logical, after a certain amount of time, to issue a warrant. Brian said to check to see what the practice is to see if we do warrant blocks or issue warrants for folks, absolutely. That is at least a deterrent, if a person goes to get their license and there is a warrant block, that may prompt them to want to get this paid but again you have this whole segment of folks who don't care if their license is renewed. Brian said working warrants could be a drain on your resources of the department because you are trying to work warrants; you have to figure out where people are, there are costs involved in this also.

Administrator

Ed Swanson said that he went around the Village with Larry Burchfield to review the trees that are growing underneath the power lines as First Energy will be coming into the Village this year to remove or trim back trees under these lines. Larry had previously met with the tree cutting supervisor and they already have some differences of opinions on what should be cut and what shouldn't be cut. They also talked about leaving some of the wood and the homeowner will be responsible for the removal and Ed said this is really not acceptable. He said tomorrow he, along with Larry are meeting with Tim Suter, and a couple of people from First Energy to talk about this issue and see if we can get it resolved. Ed said because of our Tree Preservation Ordinance, First Energy has to check with us and the homeowner so it's a double duty thing. We say it's okay and maybe the homeowner doesn't so it's going to be a complicated mess. Mayor Monahan said if that saves the trees, its time well spent as long as people realize that we can't save 100% of the trees. Ed said some of the trees you might as well cut down once they get done butchering them.

Ed said he met with Dawn Bookmyer and went over the details from the BZA meeting and the requirements that BZA put on the hospital in order to get their variance.

Ed said he met with the Service Committee and also the Engineer to go over the roads. Service had some questions about the road work so he is going to have the Engineer present at the next Service meeting and take them out with the Engineer to show them the roads.

Ed said there are several code enforcement issues being dealt with and some drainage issues with the rain.

Ed said that the sidewalk should be out for bid in a couple of weeks.

Mayor Monahan informed Council that there was a motion passed at Planning and Zoning that we do some perennials and annuals to make sure we get the Village looking nice and we talked about whether we could do that around the benches and the rocks.

Communications

Mayor Monahan gave the following report:

From: John Francis [<mailto:jfrancis@cutlerhomes.com>]

Sent: Thursday, February 28, 2013 3:37 PM

To: pat.monahan@shawneehillsoh.org

Subject: Boy Scouts

Pat,

Thanks for all your help the other evening. The boys and I had a great time. It was also nice to tour the new gov't building.

I'm sure we will have more scouts attending your meetings soon.

Thanks again,

John – Troop 117

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

Sent: Thursday, February 28, 2013

To: 'John Francis'

Subject: RE: Boy Scouts

Thanks John it is a good experience and wish classes would also come to our mtgs. One of the fun things about being the size of Village we can take time to explain what we are doing and why.

I always enjoy working with the scouts and if I didn't say it on Monday night when I was an ARMY Infantry squad leader in Vietnam I would tell my guys that Boy Scouts was the best military training I had.

Please let me know if I can be of any help meeting with them and discussing some of the issues that face us and how we work through the issues.

Thanks!

Pat

Mayor's Report

Mayor Monahan gave the following report:

FEBRUARY 2013 MAYOR'S COURT REPORT

5,138.00	BAL. BROUGHT FORWARD
<u>DEPOSITS:</u>	
5,108.00	TRAFFIC RECEIPT
5,108.00	TOTAL RECEIPTS
<u>DISBURSEMENTS:</u>	
996.50	STATE TREASURER
350.00	COMPUTER FUND
3,724.00	GENERAL REVENUE FUND
37.50	DELAWARE COURT : HB 562 INDIGENT DRIVER
5,108.00	TOTAL DISBURSEMENTS
5,138.00	BAL. BROUGHT FORWARD
5,108.00	DISBURSEMENTS
30.00	MAINTAINED BALANCE

RESPECTFULLY SUBMITTED,
JOYCE A ARMSTRONG, MAYOR'S COURT CLERK

If the Chief hasn't let you know anyone who can and would like to, he will show you the new Police office following the meeting. They have done a tremendous job creating a Professional office we can all be proud of!

ABR – term expiration – 3 yr terms – appointed by Mayor confirmed by Council.

Jim Bowers	Jan 23, 2015
Sue Love	Jan 23, 2015
Rob Miller	March 27, 2015
Chris Anderson	Jan 25, 2013 = Agreed to extend and I would ask for Council's concurrence on this
Bobbi Jo Cea	Jan 11, 2013 = I have emailed Bobbi Jo and haven't heard back
Christy Schimmoller, alternate	- Jan 23, 2015

It was moved by Gauldin, seconded by Garren to confirm Chris Anderson's appointment to the ABR. Following vote on the motion was recorded: yea, 5; Callender, Garren, Gauldin, Mathews and McVan.nay, none. Chair declared the motion passed by a 5-0 vote.

BZA – term expires – 3 yr terms – appointed by President of Council and approved by Council.

Josh Vidor	Jan 23, 2015
Crista Sherwood	April 13, 2012
Bob Schneider	April 13, 2012
Jim Groves	June 8, 2014
Geoff Hanna	Oct 22, 2015

P&Z – term expires – 6 yr terms – appointed by Mayor no confirmation required.

Dave Probst	January 28, 2013 = Dave has agreed and I have reappointed him = doesn't require confirmation.
Kathy Isern	January 2018
Yvonne Clippinger	January 2018

The dedication of the Fellure bldg. on Sunday the 3rd of March was a great day in the Village. We had around 70 people and it was super. I especially want to thank Shirley, Mark, Richard and Ed for all their work getting the building ready!

I believe as is apparent and as time goes by the actions taken to make this building happen will continue to prove to be a great decision!

We are meeting tomorrow with Delaware County, Dublin, and Jim Danes to develop the next steps in proceeding forward with the intersection project. More to come on this!

I do want to thank Ed and Chris, our Engineer for expediting the sidewalk project engineering drawings. I have been driving them nuts trying to expedite the project. The drawings were being submitted to the EPA and Utility Companies for approval. Following that they should be ready to advertise and put out for bid.

Have we received any entries for the picture contest? What is the cutoff date and Jim did you name a judging committee?

On Thursday Mar. 20th I will participate again in the annual Mayor's Meals on Wheels. It is a national event and I highly respect the folks who regularly volunteer their time to this very worthwhile cause.

If anyone else would like to ride along with me please let me know and I will submit your name to Toni Dodge at the Delaware County Council for Older Adults.

We arrive there before 9:30 AM and will be completed by about 1:30 PM.

Committee Reports

Council member Garren said that the Rules Committee met tonight right before the Council meeting and she is the Chair and Council member Callender is the co-chair. The only item they discussed is having committees be able to carry over into the following year so Brian is going to write up some legislation around that but basically what we are going to do is let the Pro Tem look at the committees in November, right after the election, and identify if there are any gaps and fill any gaps that are there so they can continue on into January until the new committees are assigned.

Mayor Monahan asked if there was any consideration of having a mandatory finance meeting in December. Council member Garren said they did talk about that but there is really no way to mandate the committees.

Council member Mathews said that Service met and he was elected Chair. He said they reviewed three things. The first was that they would like to move forward with the bid package for the road work on Shawnee Trail and also the remainder of the roads that were not finished up last year because we ran out of money. The second thing, we wanted finance to look into or put on your itinerary, to look at the possible funding of the two public parking spots at the north end of the Shoppes of Shawnee. Finally, drawings for additional parking at the north end of El Vaquero. I assume we are just requesting that for additional information. Mayor Monahan said he and Ed talked about this. He asked Ed to get together with Brian and meet down there and talk about the options. It may have nothing to do with Service and the reason it may not, as long as they don't violate how close they get to the adjoining property owner, they may not require a variance or anything else. It's an abandoned roadway up there and effectively, I think the main thing we want to do is take a look and see what they could do. Council member McVan said he took a look at it the other day and his question is do we have to give up an easement for them to do that because it is a roadway that technically the Village still has. Shirley said the road was vacated but we maintained easement rights. Mayor Monahan said he does not know that we have it all figured out. He said the good news story is El Vaquero is willing to do some things, if we say they have to fence off the corner down there, if they need to tune up their fence, they will but they are going to take a look at their options.

Council member Garren said regarding the request to send to finance do you guys have pricing on what it will cost. Ed said it was expensive, he thinks it was around \$5,000.00. Council member Garren asked for a write up of exactly where the parking spaces are requested and what the price it will be associated with that then we can consider it at the finance meeting.

Mayor Monahan said Planning and Zoning, even though it doesn't get reported on as a committee, we are taking a look at what it would take to get a park around the Police building. We do have the ADA walkway grant and we are looking at other things associated with that and

what we are trying to do is to find out what is out there and we will be meeting Tuesday after the next meeting and we will be discussing this again. The other thing we did is pass a motion to get the approaches and the main street taken care of with perennial and annual plantings.

Legislative Actions

Third Reading- Resolution 05-2013 – Sponsored by Mayor Monahan – A Resolution to increase the annual salary for Shirley Roskoski, Fiscal Officer for the Village of Shawnee Hills, Ohio. It was moved by Garren, seconded by Gauldin to pass Resolution 05-2013. Following vote on the motion was recorded; yea, 5; Callender, Garren, Gauldin, Mathews and McVan. Nay, none. Chair declared Resolution 05-2013 passed by a 5-0 vote.

It was moved by Gauldin, seconded by Garren to table Resolution 07-2013. Following vote on the motion was recorded; yea, 5; Callender, Garren, Gauldin, Mathews and McVan. Nay, none. Chair declared Resolution 05-2013 passed by a 5-0 vote.

First Reading- Resolution 08-2013 – A Resolution that the Village of Shawnee Hills host a Village wide picnic September 15, 2013 at the Ohio Wildlife Center.

First Reading- Ordinance 07-2013 – Sponsored by Mayor Monahan and Pro Tem Gauldin – An Ordinance to amend Section 1133.01(a) of the Codified Ordinances of the Village of Shawnee Hills. Mayor Monahan said this will allow for the current President Pro Tem of Council to sit on the BZA and it has a lot to do with continuity. We have some great people on BZA and one of the things he always thought was unfortunate is that they are not tied into everything that is going on in the Village.

Bills

Council member Gauldin asked if the courts could recoup the cost of an interpreter for a defendant if the defendant is found guilty of the offense. Chief LeFever said he does not believe we can because it is under the same idea as a disability. It would be like charging someone to use a handicap bathroom, because they don't understand the language it isn't their fault. He said he remembers reading an article about this. Brian Zets said the Chief is right, it is considered a cost of the court, the courts overhead if you will.

It was moved by Callender, seconded by Garren to pay the bills in the amount of \$23,252.80. Following vote on the motion was recorded: yea, 5; Callender, Garren, Gauldin, Mathews and McVan. Nay, none. Chair declared the motion passed by a 5-0 vote.

Treasurer's Report

It was moved by McVan, seconded by Garren to approve the following treasurer's report: General Fund 230,077.32, Street Fund 66,356.15, State Highway Fund 3,546.75, Drug Law Enforcement Fund 120.00, Enforcement and Education Fund 1,985.00, Mayor's Court Computer Fund 6,353.43, Fire Fund 51,698.35, Weed Fund 9,398.84, TIF Fund 1,279.04, TIF 2 Fund 4.86, Veteran's Memorial Fund 98.97, Capital Projects Fund – Building 90,065.76, Capital Projects Fund – Intersection 50,000.00, Capital Projects Fund – 9484 Dublin Road 9,117.54 Capital Projects Fund- Sidewalk 145,295.00, Sewer Operating Fund 42,623.23, Sewer Replacement Fund 96,000.00, Storm Sewer Fund 9,982.26, Enterprise Debt Service Fund 50,810.27 and Enterprise Debt Service Reserve Fund 98,764.37 for a total of \$963,577.14. Following vote on

the motion was recorded; yea, 5; Callender, Garren, Gauldin, Mathews and McVan. Nay, none. Chair declared Resolution 05-2013 passed by a 5-0 vote.

Miscellaneous Business

Ed said that he followed up with Council member Gauldin’s question at the last meeting about the thin paving on Mohawk and yes there is a bad place at Mohawk that is too thin and the fabric is showing through. The Engineer has been asked to contact the contractor, Columbus Asphalt, as we have a warranty on this work.

Council member Callender asked if we could get the gravel from the roads that were disturbed during the snow plowing season swept back into place. Ed said we don’t have the equipment to do that. Council member Callender said there are a lot of yards that really got hammered with the gravel, some gravel is four feet into the yards. Ed said he will talk to Mark and Richard and he will check it out.

There being no further business, it was moved by Garren, seconded by Gauldin to adjourn until March 25, 2013. Following vote on the motion was recorded; yea, 5; Callender, Garren, Gauldin, Mathews and McVan. Nay, none. Chair declared the meeting adjourned at 7:40 p.m.

Fiscal Officer

Mayor