

## Village of Shawnee Hills Council Meeting Minutes

November 25, 2013

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

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

Absent: Charlie Callender

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

It was moved by Dalvi, seconded by McVan to approve the minutes of November 11, 2013 with the following amendment: on page 2 add that the Mayor said no when his brother Mike asked if he had voting rights. Following vote on the motion is recorded; yea, 5; Dalvi, Garren, Gauldin, Mathews and McVan. Nay, none. Chair declared the motion passed by a 5-0 vote.

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

Mayor Monahan thanked Scott, Jennifer and Samuel Hawthorne for being her tonight along with Cameron Hawthorne who will be presenting about the Buckeye Park project. We also have Hudson Ozello here who is attending a community meeting with his mother Mary Kay. Thank you for being here.

He said we also have council member elect Cameron Kemplin here tonight.

### **Solicitor**

Brian said that we actually have people here tonight and he doesn't have anything to say. He said he had some general questions on some general issues that we took care of.

### **Administrator**

Ed said he met today with the grant coordinator and the contractor for the sidewalk project over at the police department. We signed the paperwork today and they are planning on starting the first week of December. Ed said he tried to get this delayed due to the weather but this project must be completed by December 31<sup>st</sup> of this year. Ed said he made some arrangements with the contractor and it may involve a little more money because if it is cold out the concrete will have to be insulated and also the blacktop plants may be closed and we may have to have the ADA compliant parking lot in concrete instead of blacktop. This may cost us about \$2,300.00 more than we had planned on. To rebid this thing is going to cost about 1,200.00. This bid was for \$26,000.00 and the closest bid we got to this was \$40,500.00 so this is a good price. Council member Dalvi asked where this extra money was going to come from. Shirley said she already had \$7,000.00 appropriated for this project and she does not think we need to appropriate any more funds for this. She will have to check.

Council member McVan asked Ed what he was planning on doing the rest of the parking lot in concrete or asphalt and he suggested that we spend just that little bit more on concrete down the road you are going to make that money up. Ed said he would rather see us do concrete. Council member McVan said he would too. Ed said the disadvantage to this is two of the parking spaces will be concrete and the remaining three that we plan to put in will be asphalt.

Ed said he met with the Fire Chief and our contract is up at the end of the year. There will be no increase in fees and this will be the exact same contract that we have had and it will be for five years.

Council member Dalvi said he would like to thank Mark for following up on the gas smell today in the Village.

### **Police Chief**

Chief LeFever passed out the Delaware County Emergency Management newsletter that goes out annually. He said we worked with the Columbus Zoo and with all the law enforcement agencies in Delaware County coordinating a mass casualty event over at the zoo and they had about 500 participants. They put a nice thing together in their newsletter and it has a picture of one of our officers, Corporal Lehner in it. He also passed around Delaware County Safe Community Kids Coalition event that we were represented in last week as well. Officer Kathleen Antalocy attended that for us.

Chief LeFever said we are having some personnel changes. One of our officers, Laura Diamond, is stepping down and going back to an auxiliary position due to her full time job. We also have someone else stepping down from a paid position and will remain with us as an A unit. Sergeant Baron has now been promoted to Lieutenant Baron which most of you were aware of at the last Council meeting but it became official early last week.

He said the cruiser computer project, everything has been installed, they are up and running. The keyboards we had originally purchased are too big so we are returning those and getting some new ones tomorrow.

Council member Dalvi asked the Chief if he had figured out what we could do with the old computers. Chief LeFever said that he is still working on that and that our State audit is next week and the auditor will be out to audit this grant as well as the closing of the grant which purchased those computers and at that point in time he will find out what we can do with them.

Chief LeFever said he has been working with Brian on some policy reviews and some potential statute changes and those will be taken to Safety before they come to Council.

He informed Council that the rape case from earlier in the year did go to trial but before they even seated the jury he took a plea of seven years followed by immediate deportation. If he returns to the US after deportation it is an automatic mandatory ten year prison sentence.

Chief LeFever said that the Senior's project is near completion. On December 14<sup>th</sup> we will have officers as well as volunteer representatives going through the Village from 1 to 3 p.m. delivering the packets that we put together for the seniors. These packets contain everything

from how to get a ride to a doctor's appointment if you don't have one all the way to who to call if your power is out and the resources that we the village and the police department also offer from home checks to power outage updates so we will have people out December 14<sup>th</sup> delivering those materials and our goal will be to spend twenty minutes or so or as long they would like us to stay at each place and answer any questions that they may have for us.

Chief LeFever said we have a lot of holiday events coming up in the Village. We are working with the Civic and the Chamber to make sure we have officers present to make sure these things go off safely.

Council member Gauldin said maybe between the Chief and Ed because he does not know where this will fall best. With each power outage we have he hears more and more generators and he was wondering about generator safety and wanted to know if there was anything we could put in the newsletter about generator safety. Chief LeFever said he has a resource he might be able to use and he knows the biggest concern is the exhaust and that can be dangerous.

### **Visitors**

Mayor Monahan asked Boy Scout Hudson Ozello if he wanted to get up and speak as to the reason he is present tonight. Hudson said he is from Troop 111 and the reason he is here is so that he can get his communication merit badge and in order to do that he has to attend a public meeting. He said he is also a good family friend of Mayor Monahan so he decided to come here instead of going to the Dublin City Council meeting. He said he just wanted to see what a meeting was like and it seems pretty interesting so far.

Mayor Monahan said he wanted to thank Troop 117 and everybody else involved with the wonderful job that they did down on Buckeye Park.

Cameron Hawthorne said he is from Troop 117 and he recently completed work on Buckeye Drive which was the retention pond project. Cameron went over the project requirements to earn the Eagle Scout Badge. The project consisted of: Create a park area that can be safely enjoyed by Village residents by: Cleaning up over-grown vegetation, repairing and moving the fence, Installing a bat house to attract bats to assist with insect control, placing a picnic table and bench, remove dead trees and limbs and creating a perennial garden.

Cameron said that scouts and family members from Troop 117 contributed 65.38 hours of labor to this project.

Cameron said when he first saw the pond the fence was in poor condition. There was wood rot, broken rails, loose posts and it was overgrown with wild grape and poison ivy. He said the pond was overgrown with vegetation and there were excessive cattails within the pond. There were trees with dead limbs and wind breaks that created a safety issue.

Cameron said they installed a bat house and a small bat can eat more than 1,200 mosquitoes in one hour. They also can help control the population of beetles, moths and leafhoppers. He said bats are important indicators of a healthy environment because they are sensitive to high pollution and pesticide levels; they are useful as a warning sign to potential environmental problems. He said it may take up to six months for the bats to start using the bat house.

Cameron said that the village will need to conduct the following on-going maintenance to the park: periodic mowing and trimming, occasional rotary mowing of the pond's edge (at least once

per year), trimming of “burning bush” and cut-back of perennials (once per year), trimming of back fence line of wild grape and poison ivy from neighboring property )monthly from April – September).

He said he wanted to thank Mark Katzenbach and Richard Ey for all their help with this project.

Mayor Monahan thanked him for all his work. It was a great job.

### **Communications**

Mayor Monahan gave the following report: The Delaware County General Health District is having their Annual Awards Reception on Thursday, December 15<sup>th</sup> at the Lodge at Deer Haven Preserve 4183 on Liberty Road from 5:15 p.m. to 7:00 p.m. If anyone would like to attend you will need to make reservations.

### **Mayor’s Report**

Mayor Monahan gave the following report:

Mayor’s Court Report for October 2013

9,019.00                    *BAL. BROUGHT FORWARD*

#### DEPOSITS:

7,034.00                    TRAFFIC RECEIPTS  
137.00                      DELAWARE COURT RECEIPTS  
7,171.00                    TOTAL RECEIPTS

#### DISBURSEMENTS:

1,321.00                    STATE TREASURER  
468.00                      COMPUTER FUND  
45.00                        HB 562 INDIGENT DRIVER (TO DELAWARE MUNICIPAL COURT)  
150.00                      Refund: Mr. Angel Cuetos (no citation for payment)  
5,187.00                    GENERAL FUND  
7,171.00                    TOTAL DISBURSEMENTS  
9,019.00                    BALANCE BROUGHT FORWARD  
*-7,171.00                    RECEIPTS / DISBURSEMENTS*  
*1,848.00                    SUBTOTAL BALANCE*  
*1,338.00                    OUTSTANDING DEBITS: STATE TREASURERS (ACH); CHECK #1576*  
*CUETOS*  
*480.00                      OCTOBER RECEIPTS PRE-POSTED IN SEPT REPORT:*  
*WOROBIC; FANNIN; HINNINGER*  
*30.00                        BALANCE MAINTAINED IN ACCOUNT*

The following is an explanation from Joyce in regards to the above report:

The Outstanding State Treasurers Payment which I do online, had not posted on the October Bank Statement. It will post on November's bank statement. Check #1576 on November 1st, was reimbursement to Julia Guzman because she paid the traffic ticket for Mr. Angel Cuetos, her brother. I "accepted" his payment in a group of payments made online. I assumed that I had received a ticket for him when in reality he did not have a ticket with the Shawnee Hills Police Department. I don't know how his sister arrived at Ncourt to make the payment. His sister told me that he had a Texas driving license. I checked with the bureau of motor vehicles

in Texas. They had not received any information on a ticket on him either. So I mistakenly accepted the payment. I had no information to post the payment to. Therefore, I had to reimbursement her for the \$150 she paid that had posted on our October bank statement.

RESPECTFULLY SUBMITTED,  
JOYCE A ARMSTRONG  
MAYOR'S COURT CLERK

**From:** Jen Thrasher [mailto:Jen.Thrasher@ohioattorneygeneral.gov]

**Sent:** Tuesday, November 19, 2013

**To:** Jen Thrasher

**Subject:** AG DeWine announces new Heroin Unit

Afternoon –

Hope you are having an enjoyable day so far! Attorney General DeWine announced the formation of a new Heroin Unit within his office yesterday morning. The unit will be comprised of law enforcement agencies, lawyers, and drug abuse specialists. The unit was created to combat the rapidly rising amount of deaths linked with heroin. The full press release is below. I thought you might be interested in the information.

Thanks,

Jen



Jen Thrasher  
Regional Director – Central Ohio  
Ohio Attorney General Mike DeWine

Please remember that this Sat evening Nov 30<sup>th</sup> is the Employee / volunteer Appreciation dinner at Cedarbrook. It is catered by Shanghai Lily and there will be a ticket purchase cash bar. Hope you and your significant others' can make it.

Dec 6<sup>th</sup> at 6PM is the Holiday tree lighting in Ted Guarasci's lot across from Iacono's. The Civic will be providing hot chocolate and cookies. We will have the Sweet Adeline's Columbus Choir leading us in carols. It is a great time hope you can make it and we will get you home in time to watch the Ohio State Michigan State game!

This is one of the great family events of the Village.

I have been communicating with Andrew Brenner our state representative asking for his help defeating HB 5 another erosion of funding to Municipalities. I provided him with the supporting analysis provided through RITA. I am highly disappointed in his vote to pass the bill and send it on to the state senate. I feel this was a slap in the face of Municipalities and our ability to finance the needs of our residents.

I have emailed State Senator Kris Jordan and asked for his help in defeating the Senate version of the HB5. I also asked Jack Frambes to help and he called Kris Jordan and voiced his displeasure in the house passage of this bill.

I just want to wish you and yours a great and safe Holiday season.

I do want to thank Cameron Hawthorne for his leadership and Boy Scout Troop 117 for their great work on cleaning and building Buckeye Park. Your contribution is greatly appreciated by the Village and will be for many years to come!

### **Committee Reports**

Council member Dalvi said that Finance met and we reviewed the 2014 budget. We have a new baseline and Shirley has done a good job in setting the baseline. The plan is, before the end of the year, we will have one more review meeting by which we should be able to achieve a couple of things. One is set the budget for 2014 but also allocate funds for what we are calling the key capital projects that we will be doing in 2014 so hopefully by the next meeting we should have all of that locked in from a budgeting perspective.

He said the other thing we discussed was RITA. Lori Gischel from RITA was present and we have had numerous residents come in with RITA issues, things with penalties and interest. It was a very good meeting with Lori explaining some of the intake numbers we have from revenues and taxes. One of the things for Council to know, which is something we will have to decide on and it is a policy change. Until now the Finance committee used to make the decision based on certain guidelines and framework we had laid out which is reviewing the penalty and then giving waivers or adjusting the penalties. It seems like RITA has a system in place where they do that on our behalf and the proposal from the Finance Committee was to try that out for a year so that they will be the ones making the decision. The option to come to us is still open to the residents if they do not agree with RITA.

Mayor Monahan said the key in this is the fact that they do this for a living and we can do a year of trial to see how it works.

Council member Dalvi said part of the challenge we had was, although we had a framework and some policies on how to make decisions, it still seemed to be subjective. We are not a tax professional so I think it is good for RITA who does this on a regular basis to give us that service. This is no extra cost to the Village.

### **Legislative Actions**

Second Reading- Ordinance 25-2013 – Sponsored by Mayor Monahan and Planning and Zoning – An Ordinance to amend the zoning district map of the Village of Shawnee Hills, Delaware County, Ohio by rezoning 9699 Dublin Road from Neighborhood Commercial District to the R-2 Single Family District. Mayor Monahan said that David Kerscher is the owner and applicant of this petition and he is present tonight.

Dave Kerscher said he would like to get this changed to residential so that he can sell it and get it developed. He said that every contact he has had about this property has been about residential, he has not gotten any calls about it as a commercial property. He said one benefit to rezoning is that we can get some sort of revenue off of it quicker this way. Also everyone that he has talked to on Buckeye Drive has agreed that they would rather see a residence there than a business. The kids have a bus stop right there and they are concerned about the safety issue, about traffic coming in and out right at the beginning of the village where they are already trying to slow down from 45 or 50 to 35 miles per hour and if there is also traffic coming in and out potentially having to add curb cuts. If you look at the lot it is surrounded by residences, it is not in with the other business section of the village at all. It is separated out and also as Pat and I have talked about, there is also the Shawnee Hills sign, the Shawnee Woods rock, the speed limit sign, the

Buckeye Drive sign, and a couple of telephone poles so if we add in a parking lot and signage it is going to look like a large billboard before you get into Shawnee Hills. You're not even going to see a business sign. He said those are his main concerns and he talked to Planning and Zoning about a month ago.

Mayor Monahan said planning and zoning recommended, for anybody that doesn't know, it is the northern most lot in the village, and to Dave's point it is highly unlikely that a business would be moving in there in the next fifteen plus years, whereas residential I think it has a great potential.

Council member Dalvi asked how big is the lot. Dave said it is a little less than half an acre. He said in the original application with the setbacks and everything, depending on how you read it and with it being a corner lot depending on how you read it, once you knock out the setbacks, parking lot, loading area you can get approximately a 2,500 square foot building there. That's big for a residence but not necessarily for a business.

Council member Dalvi said assuming some commercial developed there as compared to a residential lot do we know what the difference would be in regards to tax revenue. Mayor Monahan said as a residential lot about 85% of the property tax revenue goes to Dublin City Schools. We get about 2.5%. The income of the people involved paying taxes to the village is more significant now. If a business were to occur that would impact our TIF 2. The way TIF works is if you have a property that is worth x amount and then you build on it, the difference in the improved value is what we would get in the TIF 2 after the schools get their money. Council member Dalvi said he is just looking at the revenue impact in having a residential property versus a commercial property, is it going to be higher or lower, it doesn't matter, where do we stand. Shirley said for a commercial property we will get property tax money and employees income tax. Council member Mathews said we talked about that in Planning and Zoning and what we kind of decided is that is so far out of the general area of where businesses are and that is why we recommended going residential.

Council member Dalvi asked if Planning and Zoning decided where the commercial area ends and where noncommercial starts. Mayor Monahan said planning and zoning doesn't decide that.

Council member Mathews said you mean our opinion on where the major business should be, no. Council member Dalvi said there is a plot right across from there that is commercial. Council member Gauldin said in the past they have, unless he is mistaken, planning and zoning, four years ago brought before us the commercial area plan and they went ahead and agreed that the area up there is a commercial area so to answer just that question yes, planning and zoning does do that, they do that through information brought before council and then council votes on it so ultimately we decide what we do with the information that is brought forward to us.

Mayor Monahan said we changed how the land was to be developed we didn't necessarily change the zoning map at that time.

Council member Dalvi asked if this was approved as residential and someone buys it and wants it to be commercial can it be changed back. Mayor Monahan said that the applicant would have to go through this process all over again. Council member Dalvi asked Dave Kerscher if he had someone in place to buy this property and build a house. Dave said he does not have anything in writing. His realtor has had some questions about it. Shirley said the office has received inquiries about building a house there.

Council member Gauldin asked Dave why his father-in-law, who owned the property before him had this changed to commercial. Dave said he does not know if it was originally residential and it got switched or if it was part of the requirement of getting the development passed through

previous council that they have that be neighborhood commercial I don't know why it was that way.

Shirley said that anything that gets annexed into the Village comes in as residential then it has to be rezoned and he did ask for it to be rezoned, probably because of the way our zoning is set up. I don't remember why.

Third Reading- Ordinance 26-2013 – An Ordinance to appropriate funds for current expenses and other expenditures of the Village of Shawnee Hills, State of Ohio, during the Fiscal year ending December 31, 2014. Shirley said that there is a correction to be made under Fiscal Officer. She said it is added up incorrectly. It is added up by ten thousand dollars too much and she said the totals just need to be amended. It was moved by Gauldin, seconded by Garren to amend this ordinance by ten thousand dollars. Following vote on the motion is recorded: yea, 5; Dalvi, Garren, Gauldin, Mathews and McVan. Nay, none. Chair declared the motion passed by a 5-0 vote. It was moved by Dalvi, seconded by Garren to pass Ordinance 26-2013. Following vote on the motion is recorded: yea, 5; Dalvi, Garren, Gauldin, Mathews and McVan. Nay, none. Chair declared Ordinance 26-2013 passed by a 5-0 vote.

First Reading- Resolution 24-2013 – A Resolution authorizing the Administrator and the Fiscal Officer to enter into a contract with the Delaware Soil and Water Conservation District for certain public information and participation programs/services required under the Village Storm Water Management Plan.

### **Bills**

It was moved by Garren, seconded by McVan to approve the bills in the amount of \$55,941.79. Following vote on the motion is recorded: yea, 5; Dalvi, Garren, Gauldin, Mathews and McVan. Nay, none. Chair declared the motion passed by a 5-0 vote.

### **Treasurer's Report**

It was moved by Dalvi, seconded by Garren to approve the following treasurer's report: General Fund 222,755.52, Street Fund 32,559.08, State Highway Fund 5,357.39, Drug Law Enforcement Fund 627.00, Enforcement and Education Fund 1,985.00, Mayor's Court Computer Fund 9,003.16, Fire Fund 188,271.80, Weed Fund 6,169.79, TIF Fund 21,410.11, TIF 2 Fund 935.48, 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 117,780.00, Sewer Operating Fund 69,531.93, Sewer Replacement Fund 106,000.00, Storm Sewer Fund 7,434.15, Enterprise Debt Service Fund 136,502.69 and enterprise Debt Service Reserve Fund 99,035.47 for a total of \$1,171,293.55. Following vote on the motion is recorded: yea, 5; Dalvi, Garren, Gauldin, Mathews and McVan. Nay, none. Chair declared the motion passed by a 5-0 vote.

### **Miscellaneous Business**

Council member Gauldin said there will be a council seat open next year and after talking with Brian we cannot fill that seat until it is officially vacated which will be the beginning of next year. The second thing he wanted to mention is trying to seat committees beforehand and he has given this some thought and he thinks we really put ourselves in an area that could give a future council an issue with seating people if we were to try to do it before the turn of the year so he

would like to propose that what we do, after an election year, that next year we go ahead and schedule a meeting right away in January and we should be able to sit down at that time and we should be able to seat the committees to keep the committees running plus right before that council meeting so long as our Mayor is in position to do so, swear in our new council members, which has to be done and we can populate those committees at the same time.

Mayor Monahan said to that point what has happened in the past is you nominate and elect a president of council and the president of council comes back at the following meeting and makes a recommendation of the committees and it's voted on. The things that hurt you on is finance and safety. Those seem to be the two that sticks out.

There being no further business, it was moved by Garren, seconded by Gauldin to adjourn until December 9, 2013. Following vote on the motion is recorded: yea, 5; Dalvi, Garren, Gauldin, Mathews and McVan. Nay, none. Chair declared the meeting adjourned at 8:10 p.m.

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Fiscal Officer

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Mayor