

Village of Shawnee Hills Council Meeting Minutes

September 10, 2012

Mayor Monahan called the meeting to order at 7:00 p.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 Dalvi, seconded by Gauldin to approve the minutes of August 27, 2012 with the following amendments: on page 2 remove the second working of body armor and on page 2 change the word *her* to *there*, on page 6 include Ed's answer to Council member Gauldin's question about getting ready for the winter. 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 Callender to approve the agenda. 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 he worked on miscellaneous items as usual and also worked on a couple of big things, one, we did hear back from Delaware County on the prosecution, they got back with Eric Burden and said they will provide the contract to the Village for a cost of \$5,000.00 a year which we believe is not a fair and reasonable rate. Brian said we do not have very many cases up there in the first place so Eric will cover the cases he can handle because they are filed under our local code and if for some strange reason we get a case that happens to be filed under the Ohio Revised Code he will handle those cases. Mayor Monahan asked if we need any legislation for this. Brian said we do not, each of our contracts cover this.

Brian said the second big issue was Aspen Energy and the BZA and the variance issue. He said it was interesting how the whole thing developed and we actually spent quite a bit of time last week on this. At the end of the day it turns out Aspen Energy had made an application for one variance and he believes that they need several variances to put in their parking spots that are going to possibly encroach into the streets so we are not having a BZA meeting tomorrow night, Aspen Energy will be submitting a new application that has all the variance son it that they do need. The complete application can go to the BZA in October.

Brian said Council did table the two pieces of legislation that they needed to at their last meeting. He said the last piece to Aspen Energy is the parking agreement and he will send it directly to John, all the pieces are there we just have to get through the next BZA hearing.

Brian said the final thing, Council member Dalvi had asked about the scanning of public records and there is actually a 33 page guideline and a 22 page manual on it. The Ohio Electric Records Committee has these manuals and there are a lot of things you have to think about, you have to set up a disaster plan, you can't lose documents and the thing he always worries about is you are talking about public records and evidentiary issues if you need to use public records at some point in time so they have a bunch of guidelines and if you really do want to think about looking into them out of all the municipalities they represent you will be one of the first ones, none of the

other places have a digital imaging guideline set up but you can really follow what the OERC has.

Village Administrator

Ed said the pre-construction meeting on the building was held last Wednesday and we will be opening the building bids on the 20th of September. At that time Bill will review the bids and will check on the low bidders credentials and insurance, workers comp, all those sort of things. After that Council will have to accept the bid, then there is another time frame in there for a Letter of Commencement from them and a Letter to Proceed from us and in the meantime we have looked at a house on E. Cuyuga Dr. to rent for the length of time we need until the building is completed. Council member Dalvi asked if there was an upfront payment due by a certain date. Ed said he would have to look at the contract.

Ed said regarding a Shawnee Hills membership to Leatherlips versus a park. He did talk to the Commodore there today and he asked that these questions be put in writing and emailed to him and he wants to see a drawing of the park and what we have in mind for a park if we opt to join. He did say they have an associate membership right now. It is \$90.00 per year, per family; anybody can do that right now. You can't use their, boats, you can't have a boat there but you have other privileges there. He wanted Ed to emphasize that all people are now welcome to walk through the yacht club property. You may be asked why you are there but that should be the end of it. Ed said the Commodore will review the information he sends him and he will pass it on to the trustees and either he or the trustees will meet with the village and we will see where it goes.

Visitors

Dottie Richeson, 9076 Shawnee Trail, said after having been a resident of the Village for about 27 years she is very disappointed in the way it is going downhill. She said they are harassed all the time about any little piece of board that's out in their yard or whatever. These are things that are really angering her. She owns that piece of ground and if she wants to put a piece of board out there she is going to put it out there. She hates for people to come and threaten her all the time that they are going to take her to court. She thought we had freedom of speech, she thought our home was our refuge, but obviously it isn't in this village. She said what's happened; it wasn't that way when she moved here. She is very disappointed and asked if anything is going to be done about it.

Mayor Monahan told Dottie that we passed a Blight Ordinance in 2008. Dottie asked what is a blight ordinance. Mayor Monahan said it means that you should do nothing on your property that devalues the property next to you. You shouldn't have truck caps and tires and boards and everything laying in your yard that will make the property next to you lesser value. Dottie asked what is wrong with a truck cap being taken off a truck for a short period of time. Mayor Monahan said and dropped in the side yard and left there. Dottie said since her husband had a heart attack two years ago and he can't pick it up himself once he takes it off and has to use it and the two of them together can't do that so what do you suggest we do. Mayor Monahan said if you call the office we will help you. She said she has never had anybody offer to help her. Mayor Monahan said he disagrees with her and this is why, how long ago did your house burn, was it two years ago, Dottie said yes. Mayor Monahan said how many people from the village were down there helping you out that night. Dottie said they came and talked to her, that's all they did. Mayor Monahan said he was there himself, Mark was helping you out, we were moving things, we were trying to help with everything like that. Dottie asked what did you move. Mayor Monahan said they had to get your dead cats out of the way and there were a number of things. Dottie said thousands of dollars worth of their stuff was stolen so that's what the village did for us, nothing. Mayor Monahan said we have received calls about your property and other properties that aren't kept up and yours is one of them that is not and unfortunately one of the

first houses you see coming in on Shawnee Trail is your home and he gets calls saying what are you going to do about it, the house next door is now going to be for sale and selling it when there is a blight next door, with things laying around in the yard doesn't help and that is exactly what he was told. Dottie asked who said that. Mayor Monahan said if someone calls him and tells him they want to remain anonymous but they want to complain about the fact of your yard, he keeps it anonymous. Do you think your yard is in shape. Dottie said it isn't only her that is being harassed, it's a lot of the other elderly people and this has happened ever since she has been in this village. When you get older you are harassed. Mayor Monahan said he does know that some of the other people that were made to move things with the blight had over 100 tons of rocks in their yards, a bulldozer in their yard, do you think that is normal. Dottie said let me tell you another thing, she wished things were done fairly. She said her husband put a boat out in front and tried to sell it and he was told to move it, he could not put it in our driveway and sell it. While they were out of their house, they went around and saw all of the violations in this village. They counted 16 boats out of place, they counted house trailers and trailers in the yards in front of buildings supposedly that was in the zoning ordinance which she has not seen. Mayor Monahan said they are online or she can come in and request a copy.

Council member McVan said when we do the spring cleanup and the dumpster day for the village, people can call in and ask for help with moving heavy things out of the yard that they can't move and it is for the elderly too to help them clean their property up after every winter so we have that option available to the people. Council member Dalvi said there is help at the county level also. Mayor Monahan said this is always in our newsletters.

Dottie said she wants people to get off her back, she wants to be able to live, at 80 years old, and she would like to live the rest of her days without all this harassment and this threatening all the time. Mayor Monahan said he will promise her that if she keeps her yard clean she will not be notified. She asked the Mayor if his yard was clean. He said it was. She said that people are having a hard time in this day and age, are you people on a different planet than we are. Mayor Monahan said he does not think that leaving a tarp in the front by the street is the right way to go, he does not think leaving tires on the front yard is the right way to go. She said they did not have any tires on their front yard; it must be something like your inspector when he came over and accused us of stealing one of those orange cones, where did you get that, did you take it from Shawnee Hills or did you take that from Powell or did you take that from Dublin, you must have stolen it. Mayor Monahan said as he has told her going forward Ed is the one that talks to you and Cal and your son. Ed said he has known Cal and Dottie a long time and he took scuba lessons from Cal years ago. He said he assured them tonight that nobody is picking on them. Ed said it is not the same Shawnee Hills as it used to be, unfortunately, so what has happened lately is that there were some violations at their property and rather than sending Mark over there, he went over to talk to Cal and Dottie and they were not home so he talked to their son who was living there and asked him to clean some stuff up, told him what he needed to get cleaned up, please get it cleaned up and he did and that's great and he thought that was the end of it. Ed said he told him it was not a big hurry, it did not have to be tomorrow but please do it, he was trying to be reasonable, he likes these folks.

Council member McVan said if there is something too heavy and they can't move it please ask for help, anybody would offer to help.

Dottie said if you put out your citations then I guess we will have to do what we have to do. She is not going to put up with being harassed, if she has to put in a lawsuit about being harassed she will. Thank you.

Cal Richeson said he knows that Bill Daulton has already applied for permission to sell cars besides selling boats on the corner. He said as far as he can tell he and his wife are the only people who are affected by it one way or another and he said they have no objection whatsoever.

He said he is going to park maybe half a dozen cars across the front and if you walk 20 feet to the south you will find the Bogey parking lot which has 100 to 125 cars at any given time so it seems to him that it is just a little much to be complaining about Bill parking half a dozen when he is that close to the Bogey. He just wanted to let Council know this. Mayor Monahan said there was a hearing at the BZA and he was turned down and that has been appealed to Delaware County right now.

Dottie said in all the years they have lived here, water runs down that road like a river and comes right to their driveway and into their garage. She said they have put up with it all these years and when you can put in fire hydrants and all kinds of other things up here and do drainage at the top of the hill, why can't you do something down there. Mayor Monahan said we would take a look at that.

Communications

Mayor Monahan gave the following report:



I did receive an anonymous letter from a resident who asked for help with unsupervised children playing with sparklers in the woods along W Riverview. This was especially dangerous during the dry season and is at anytime. The kids were reportedly tearing down mature vegetation. For safety sake of the kids and the neighborhood and the preservation of the trees please report any occurrences and the Police have stepped up patrols in that area.

Yesterday I had the opportunity to talk with a number of Scouts about local government for their Community badge. I want to thank Officer Christy Litzinger for accompanying me and demoing our Police cruiser to the scouts.

Wanted to thank Delaware County for mosquito fogging last Tuesday

Mayor's Report

Mayor Monahan gave the following report:

I want to congratulate our Police for their participation in this year's Cops and Kids event which took place yesterday, Captain Erin Cullen, Sgt Russ Baron, Officer Laura Diamond, Officer Stacy Rainey and Officer Kathleen Antalocy. Our two participating cruisers # 53 the 2010 Dodge Charger and the 2012 Ford Explorer took 1st in the show award. The display our Police put on was extremely professional and something we can all be proud of.

I want to remind everyone and ask you to spread the word that our Village Picnic is this coming Sunday from 1-5 PM at the Ohio Wildlife Center.

We also received a compliment from Larry Burchfield on how great the streetlight illuminates that area of Glick Rd. Last Saturday there was a charity event at Cedarbrook and between the light and the increased lighting our special duty Police officer Stacey Rainey and the patrons crossing the street were much more visible.

I verified with Larry and the tentative date for this year's Employee Appreciation Dinner is December 1st at Cedarbrook.

On Sunday I spoke to Boy Scout Troop 117 at Twin Lakes and Officer Christy Litzinger accompanied me with our Police cruiser to demo for the boys and their Dads. I received the below response from Kurt Hebner, one of our residents who arranged the talk:
Pat thanks so much for speaking today. I know we all learned a lot, and bringing the cruiser was a great idea. The kids did very well, I think, for being mostly first-year Boy Scouts who had just hiked 5 miles.

I know I speak for the fathers and scouts when I say it was a very nice introduction into local government and ours in particular.

Another thing I wanted to offer was that if you ever have a need in the village for a community service project, we would be happy to be a part of it. I am associated with Troop 117 out of St. Brigid, but also with Cub Scout Pack 888 out of Eli Pinney, and we are always looking out for places we can help out.

Thanks again
--Kurt

Committee Reports

Safety met on the 5th and the following members were present: Chris Garren, Jim Gauldin & Dan Mathews

Road signage for vehicle direction – The village has received concerns about signage within the village. The concerns were focus about intersections of meandering streets. The following streets were discussed.

Hiawatha and Westview – Even though the ORC notes rules for right-of-way at an intersection this intersection is a bit misleading for those who are new to it. Solution – investigate adding a small sign with current traffic control signs noting the cross traffic pattern. Also, request that the police department watch this intersection to see how well the new signage works. If there is still concern over time, investigate changing the signs from one stop and multiple yield to a stop in all directions.

Shawnee Trail and Osage – Using the additional sign noted above, provide similar or same signs for this intersection.

Shawnee Trail and Seneca - Using the additional sign noted above, provide similar or same signs for this intersection.

Chief Lefever will investigate a uniform traffic information sign for the above issues.

The above was made into a motion, all were in favor.

Also discussed the intersection at East Waterview and Dublin Road and possibly looking at a sign that says hidden road or something similar to that.

Chris had to excuse herself for a pressing appointment. The meeting continued with Dan and Jim which makes up the required number of council members for a quorum.

A brief conversation covering the Villages legal representation and the Court of Delaware took place. No other discussion on this topic surfaced and no motions were presented.

Camera Installation – Police Chief LeFever reviewed the schedule for the replacement of the deteriorating recording equipment in the patrol cars. He also reviewed how the equipment worked, basic procedures for storing any evidence that the equipment generated and the equipment’s ability to act as another officer safety device. No other discussion surfaced and no motions were presented.

Police Employees – Chief Lefever covered the current state of future Police candidates. The Chief is undergoing background checks on a number of individuals. He and the Mayor are preparing to make a decision on hiring once the background investigations are finished. FTO will need to be completed by any newly hired officer before the officers can be released to individual patrol duties. Once this round of hiring is finished, we will continue to actively look for other potential candidates.

The meeting was then adjourned.

Legislative Actions

Third Reading- Ordinance 13-2012 – An Ordinance designating and setting apart existing public property as private park space for the use and enjoyment of Village Residents and their guests only. Council member Gauldin said he was kind of reading this and there has been a little talk about possibly or how we would go about naming this and one of the things that came up from some of the discussions that he has heard is that Mr. Jack Frambes who was on Council for a number of years, he thinks 15 from what he is understanding, he’s been in the village and he has done a lot with the village, he’s given a lot of his time to the village and his name has come up a couple of times and he wants to make sure that his name is thrown out there. Council member Gauldin said he thinks it would be nice to name the park and he does not think that Jack Frambes park has a bad ring to it at all so he would like to throw that out there for council and get everyone’s input. Council member Callender said he would most definitely recommend that, he knows Jack very well too and he has done a lot for the community and it does have a nice ring to it so he would be in favor of it. Council member Dalvi said he was in favor of it also. It was moved by Gauldin, seconded by Garren to amend Ordinance 13-2012 by adding language stating that we would like to name this park the Jack Frambes Park. 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 Dalvi, seconded by Gauldin to pass Ordinance 13-2012. Following vote on the motion was recorded: yea, 6; Callender, Dalvi, Garren, Gauldin, Mathews and McVan. Nay, none. Chair declared Ordinance 13-2012 passed by a 6-0 vote.

Second Reading- Resolution 28-2012- A Resolution to increase the rate of pay for Sean LeFever, Police Chief for the Village of Shawnee Hills, Ohio

Second Reading- Resolution 29-2012 – A Resolution to increase the monthly salary for Joyce Armstrong, Mayor’s Court Clerk for the Village of Shawnee Hills, Ohio

Second Reading- Resolution 30-2012 – A Resolution that the Village of Shawnee Hills host an Employee Appreciation Dinner

First Reading- Resolution 31-2012 – A Resolution accepting the amounts and rates as determined by the Budget Commission and authorizing the necessary tax levies and certifying

them to the County Auditor and declaring an emergency. It was moved by Callender, seconded by Dalvi 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 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 Garren to pass Resolution 31-2012. Following vote on the motion was recorded: yea, 6; Callender, Dalvi, Garren, Gauldin, Mathews and McVan. Nay, none. Chair declared Resolution 31-2012 passed by a 6-0 vote.

First Reading- Resolution 32-2012 – A Resolution authorizing the Administrator to sign the contract with Columbus Asphalt Paving for the 2012 paving improvement project for the Village of Shawnee Hills, Ohio and declaring an emergency. It was moved by Gauldin, seconded by Callender 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 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 McVan to pass Resolution 32-2012. Following vote on the motion was recorded: yea, 6; Callender, Dalvi, Garren, Gauldin, Mathews and McVan. Nay, none. Chair declared Resolution 32-2012 passed by a 6-0 vote.

Bills

It was moved by Garren, seconded by Mathews to pay the bills in the amount of \$22,303.66. 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 Callender, seconded by Gauldin to approve the following treasurer's report: General Fund 297,718.51, Street Fund 113,916.90, State Highway Fund 2,231.89, Drug Law Enforcement Fund 120.00, Enforcement and Education Fund 1,985.00, Mayor's Court Computer Fund 5,487.34, Fire Fund 185,471.94, Weed Fund 9,419.84, TIF Fund 2,022.82, TIF 2 Fund 4.86, Veteran's Memorial Fund 580.94, Capital Projects Fund – Building 94,338.36, Capital Projects Fund- Intersection 50,000.00, Sewer Operating Fund 31,568.77, Sewer Replacement Fund 96,000.00, Storm Sewer Fund 7,525.59, Enterprise Debt Service Fund 97,135.69 and Enterprise Debt Reserve Fund 98,430.95 for a total of \$1,093,959.39. 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.

Mayor Monahan said he has contacted the gentleman that works on the Veteran's Memorial. We have three more tiles to put on top and they will probably be installed within the next month because the Veteran's Day celebration will be on the 10th of November and we will be emphasizing Viet Nam.

Miscellaneous

Ed Swanson said he just wants to make sure that everyone knows and he assumes you do that we have treated Dottie and Cal favorably. We have tried to do everything we can for them. Council member Gauldin said, for the record, he believes that either the last or the time before when we yard waste, chipper day pickup, he requested that if anybody needed help to call the Village and he did that because he offered his truck and his trailer and he was going to drive around and do it and Shirley had told him that no calls had come in and that being said he is still more than happy to help out. He just wants to make sure that is out there and that people understand that if they are in a circumstance where they are having trouble we do want to help and we do find that that is the right thing to do as a community. Mayor Monahan said he totally

agrees and we have had this discussion that if we have two scheduled a year on both that is the right way to go. He said he is an animal lover and he does not know how to approach this but we have a lot of feral cats running around this village and what they are going to do and his fear is that when people have house pets that get out for a little bit they could be subjected to some problems because we have people up here at George Mason's church lot feeding them on a regular basis and he is just a little afraid of that and that is just some of the issues he is wondered about and again he is an animal lover to no end but on the same hand he greatly respects the people that take care of their animals.

There being no further business, it was moved by Callender, seconded by Gauldin to adjourn until September 24, 2012. Following vote on the motion was recorded: yea, 6; Callender, Dalvi, Garren, Gauldin, Mathews and McVan. Nay, none. Chair declared the meeting adjourned at 7:55 p.m.

Fiscal Officer

Mayor