

Village of Shawnee Hills Special Council Meeting

September 24, 2013

Mayor Monahan called the meeting to order at 6:30 p.m.

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

Absent: Mike McVan

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

It was moved by Dalvi, seconded by Gauldin to approve the agenda with the following amendments: add approval of the agenda, change the time to 6:30 p.m. and the date to September 25, 2013. Following vote on the motion is recorded: yea, 5; Callender, Dalvi, Garren, Gauldin and Mathews. Nay, none. Chair declared the motion passed by a 5-0 vote.

Ed said that he wanted to talk about the ordinance and resolution that are on the agenda tonight in regards to the Dublin Road/Glick Road intersection improvement project. He said that first of all he has a ton of time in this project. He said this is not something that has been put together in a couple of days, this has been going on for four years, real heavy for about the last three or four months. The agreement that we have come to, in his opinion, is the best agreement that we are going to get. It's the only deal in town, this is it. Everybody has stepped up to the plate, in his opinion, down the road if things change, maybe there will be room for negotiation, especially regarding easements. Right now everybody is giving as much as they can give. He said he met with Brian today, down at his office, and we talked about the cooperative agreement that was discussed last night and last night the impression that Brian had and some of the rest of you had was that maybe it should be changed, tweaked a little bit and then Brian and I talked about it today and decided that maybe it doesn't need to be changed at this point and with further discussion we both decided to go ahead and tweak some of the legalese on it. We are not changing any context of it, just some legal definitions to explain it a little bit better and part of that was in response to Council member Garren's questions. Having said that we can pass this resolution and ordinance today as all that these two do is give me the ability to negotiate with Dublin and Delaware County to come up with a cooperative agreement and the other one allows me to send in an application for a grant and loan to the Ohio Public Works Commission on October 4th. He said he, along with Pat and Shirley have been working on this and we have gone as far as we can with this thing at this time.

Mayor Monahan said we are as close as we have ever been. He said ever since he moved into the Village people have been talking about this intersection, and everybody wants to know when it is going to be improved.

Council member Dalvi said this was one of the top items when we laid out the road map and this is the closest we have been to achieving this.

Mayor Monahan said he feels very good about it and he wants to thank Ed for all his work on this and the cooperation we have with Delaware County shows through this. He highly recommends this.

Ed said you have a copy of a memo from Dublin City Council that Marsha Grigsby provided to us and on the back page of that is a copy of the resolution that Dublin City Council voted on last night and he read a section of this memo to Council: In the recently adopted 2014-2018 capital improvements program, \$500,000.00 in funding for Dublin's share of the project cost was programmed in 2014. In addition, the city has agreed to repay a 10-year \$250,000 no interest loan that will be requested from the OPWC. Revenues from the State Highway Fund will provide the funding to make the annual payments to retire the OPWC loan. Based on the design costs that have been funded by Dublin in the amount of \$193,000, the \$500,000 programmed in the CIP and the repayment of the \$250,000 loan, the City will fund approximately 52% of the estimated project costs.

Ed said he talked to Marsha at length today and she thought that would suffice but she is willing to tweak legalese about the loan payment and Brian and I will be working on that in the next couple of days.

Council member Callender said with any construction of anything and he totally appreciates all the work that has been done over the years but he is a little concerned, let's say it comes in higher than projected, who is going to cover that. Ed said then we are back in negotiations again. That's why we need to pass this legislation, I guarantee we will be back to talk about something again because there is other stuff involved.

Council member Dalvi said he thinks the train has left the station, the train was stuck before, but it has left the station and he does expect it to have issues, cost overruns, and cost under runs, all this stuff and we should be prepared for that. That should be our go forward thing, obviously we want to contain it with the 1.6 million but he wouldn't be surprised if we are discussing this again.

Council member Callender said all he wants to say is yes, you are correct but we have Finance and Council and we have to keep a tight lid on our expenses, sidewalks, other types of things that are not needed to put in.

Council member Dalvi said if you look at the base line budget that has been done for 2014 we have stuck to what we have said.

Council member Callender said I just want to make it clear that I am not going to pass anything else or I will vote against it so we can get this project done.

Council member Dalvi said I totally agree, I don't think we need to start anything new; we just need to finish up what we have. He said this is not about a money issue. This is about a safety issue. We could be sitting here talking about this after some kid has died there. He said his biggest fear is that we sit here in the Council and pass an emergency measure because some kid died there in the intersection and that is why it is so important for us to move on this and you

have heard me saying that for the last four years. It has never been about anything else to him other than the fact that it is a safety issue for the kids using that intersection, it's not about cars, it's not about businesses, it's about the kids. His kid went through that intersection and your kid will go down the road someday.

Ed said to Charlie, to your point, Dublin has told me themselves if it comes back high we all have the right to back out of the deal. He said that Marsha said if it comes back a few thousand high they will probably add more money to the project but not if it comes back 500,000.00 high. They do not want this project to die. Council member Callender said he thinks we should too and that is why he wants to keep a lid on other expenses until we have that opportunity to get the project finished, to throw in some extra money. Council member Dalvi said he totally agrees, that's important. Council member Dalvi said we don't want to start any new projects. I would rather do it in chunks than do an expensive project.

Council member Mathews said the grant was 400,000 now we are putting in for 500,000 does that cover a buffer. Ed said yes it does, the idea is that we get the extra 100,000 for easements. Chris Bauserman who is instrumental in the OPWC and the engineer for Delaware County told Ed that he thinks 500,000 will pass as easily as 400,000 for this project and it gives us a buffer for easements or something else.

Council member Mathews said other than 315 and Powell Road this is probably the biggest improvement that Delaware County can make.

Council member Garren said thank you very much for the work you put into this and I know you have worked very hard on it and I am just trying to understand the facts of what we are signing off on so this Ordinance 23-2013 is as I understand it is basically so you can enter into the cooperative agreement which allows you to then make the application to OPWC. Ed asked Brian to answer that.

Brian said Ordinance 23-2013 authorizes Ed's signature on the cooperative agreement then the other piece of legislation, the Resolution, authorizes Ed to actually sign his name to the OPWC application but they need the cooperative agreement in support of the grant and loan application. We need both of them.

Council member Garren said so the OPWC application is for the grant and the loan, it's not necessarily approval to do the project, it's requesting the funds.

Brian said correct, the cooperative agreement is just all the entities saying to OPWC in some official form here's the money we are all going to come together and kick in for this project, so please loan us and give us this money. Then the application is just that, hey look we would like you to give us these grant funds and this loan money so we can go ahead with this project. He said you need to think of this in the sense of this is really not kicking off that project. There are going to be lots of other stages from the design on, all its doing is kicking that project officially into motion so we can try to see what funds we can get from OPWC.

Council member Garren said you have to keep in mind that we are hearing a lot of different terms and a lot of different organizations and a lot of different groups without having been

directly involved in that situation so I am just trying to clear up some of that confusion between what all of this means and trying to understand it. Now are we approving, attached to Ordinance 23 was this cooperative agreement and then you have in front of us this cooperative agreement. Brian said they are technically the same and he sent Shirley, late in the day, an amended version of 23. The amended version of Ordinance 23 takes out the language that says *it's substantially the same form or content* to do away with any perceived confusion. Delaware County originally sent us a cooperative agreement, we made some changes to it and it went back to Delaware County. Dublin on their own took Delaware's and kind of created their own so there are these two cooperative agreements. The nuts and bolts in material terms are the same and that's what money is being contributed. At the end of the day there will be an agreement signed by all three and the substance of it will be the same and this is basically the chart of what funds are being contributed because that is what OPWC wants to see.

Mayor Monahan said he believes this is the most important legislation that we have ever dealt with.

Legislative Actions

It was moved by Gauldin, seconded by Callender to remove from the table the second reading of Ordinance 20-2013. Following vote on the motion is recorded: yea, 5; Callender, Dalvi, Garren, Gauldin, and Mathews. Nay, none. Chair declared the motion passed by a 5-0 vote.

Second Reading- Ordinance 20-2013 – An Ordinance amending Ordinance 08-2013 (Adding a Corporal Starting Pay Rates) and declaring an emergency. It was moved by Gauldin, seconded by Garren to suspend with the third reading and declare Ordinance 20-2013 an emergency. Following vote on the motion is recorded: yea, 5; Callender, Dalvi, Garren, Gauldin, and Mathews. Nay, none. Chair declared the motion passed by a 5-0 vote.

It was moved by Dalvi, seconded by Gauldin to pass ordinance 20-2013 as an emergency. Following vote on the motion is recorded: yea, 5; Callender, Dalvi, Garren, Gauldin, and Mathews. Nay, none. Chair declared Ordinance 20-2013 passed by a 5-0 vote.

It was moved by Gauldin, seconded by Garren to amend Section 1 of Ordinance 23-2013 to remove the phrase – in substantially the same form and content. Following vote on the motion is recorded: yea, 5; Callender, Dalvi, Garren, Gauldin, and Mathews. Nay, none. Chair declared the motion passed by a 5-0 vote.

Second Reading- Ordinance 23-2013 – An Ordinance authorizing the Village Administrator to execute a cooperation agreement with the City of Dublin and Delaware County to submit an application to the Ohio Public Works Commission of Ohio and declaring an emergency. It was moved by Callender, seconded by Dalvi to suspend the third reading of Ordinance 23-2013 and declare it an emergency. Following vote on the motion is recorded: yea, 5; Callender, Dalvi, Garren, Gauldin, and Mathews. Nay, none. Chair declared the motion passed by a 5-0 vote. It was moved by Garren, seconded by Mathews to adopt Ordinance 23-2013 as an emergency. Following vote on the motion is recorded: yea, 5; Callender, Dalvi, Garren, Gauldin, and Mathews. Nay, none. Chair declared Ordinance 23-2013 passed by a 5-0 vote.

It was moved by Gauldin, seconded by Garren that we remove from the table Resolution 16-2013. Following vote on the motion is recorded: yea, 5; Callender, Dalvi, Garren, Gauldin, and Mathews. Nay, none. Chair declared the motion passed by a 5-0 vote.

Second Reading- Resolution 16-2013 – 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 Garren, seconded by Dalvi to suspend with the third reading and declare Resolution 16-2013 an emergency.

Following vote on the motion is recorded: yea, 5; Callender, Dalvi, Garren, Gauldin, and Mathews. Nay, none. Chair declared the motion passed by a 5-0 vote.

It was moved by Callender, seconded by Garren to adopt Resolution 16-2013 as an emergency.

Following vote on the motion is recorded: yea, 5; Callender, Dalvi, Garren, Gauldin, and Mathews. Nay, none. Chair declared Resolution 16-2013 passed by a 5-0 vote.

It was moved by Gauldin, seconded by Garren to remove from the table Resolution 15-2013.

Following vote on the motion is recorded: yea, 5; Callender, Dalvi, Garren, Gauldin, and Mathews. Nay, none. Chair declared the motion passed by a 5-0 vote.

Second Reading- Resolution 15-2013 – A Resolution to establish a new rate of pay for Erin Cullen, Police Officer for the Village of Shawnee Hills, Ohio and declaring an emergency.

It was moved by Garren, seconded by Gauldin to suspend with the third reading of Resolution 15-2013 and declare it an emergency. Following vote on the motion is recorded: yea, 5;

Callender, Dalvi, Garren, Gauldin, and Mathews. Nay, none. Chair declared the motion passed by a 5-0 vote. It was moved by Garren, seconded by Dalvi to adopt Resolution 15-2013 as an

emergency. Following vote on the motion is recorded: yea, 5; Callender, Dalvi, Garren, Gauldin, and Mathews. Nay, none. Chair declared Resolution 15-2013 passed by a 5-0 vote.

Second Reading – Resolution 18-2013 – A Resolution authorizing the Village Administrator to submit a Loan/Grant Application for Intersection Improvements to the Ohio Public Works

Commission Local Transportation Improvement Program (LTIP) and declaring an emergency, It was moved by Dalvi, seconded by Garren to suspend with the third reading of Resolution 18-

2013 and declare it an emergency. Following vote on the motion is recorded: yea, 5; Callender, Dalvi, Garren, Gauldin, and Mathews. Nay, none. Chair declared the motion passed by a 5-0

vote. It was moved by Gauldin, seconded by Dalvi to adopt Resolution 18-2013 as an

emergency. Following vote on the motion is recorded: yea, 5; Callender, Dalvi, Garren, Gauldin, and Mathews. Nay, none. Chair declared Resolution 18-2013 passed by a 5-0 vote.

There being no further business, it was moved by Callender, seconded by Gauldin to adjourn until October 14, 2013. Following vote on the motion is recorded: yea, 5; Callender, Dalvi, Garren, Gauldin, and Mathews. Nay, none. Chair declared the meeting adjourned at 6:48 p.m.

Fiscal Officer

Mayor

