

Village of Shawnee Hills Council Meeting Minutes

September 10, 2018

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

Council in Attendance: Mary Gates, Geoff Hanna, Dan Mathews, Renee Matney, Jeff Stacy and Robert Thatcher

Also Present: Fiscal Officer Shirley Roskoski, Administrator Steve DeBolt and Solicitor Brian Zets

Minutes

It was moved by Gates, seconded by Matney to approve the minutes of August 27, 2018. Following vote on the motion is recorded: yea, 6; Gates, Hanna, Mathews, Matney, Stacy and Thatcher. Nay, none. Chair declared the motion passed by a 6-0 vote.

Agenda

It was moved by Thatcher, seconded by Mathews to approve the agenda. Following vote on the motion is recorded: yea, 6; Gates, Hanna, Mathews, Matney, Stacy and Thatcher. Nay, none. Chair declared the motion passed by a 6-0 vote.

Solicitor

Brian said after a couple of questions from the last council meeting with respect to parking of commercial vehicles which is Ordinance 23-2018, I went and created what is now Ordinance 26-2018. That has to do with the parking and storage of recreational vehicles. The initial legislation only had to do with parking commercial vehicles on commercial property and a question came up does this apply to recreational vehicles on commercial property. I said no because it did not. I created a new piece of legislation that is before you tonight.

Mayor Monahan said on 23-2018 I just want to make sure that people that have recreational vehicles and they have been able to park on their residential property, I don't want to do anything to damage that.

Brian said that was not changed.

I attended the Planning and Zoning meeting on August 28th and out of that Ordinance 27-2018 was created. This has to do with portable signs. Planning and Zoning has continued to look at the sign code and what could be changed or amended, without, right now, doing a complete rewrite. They have added the ability to add more additional portable signs with respect to the business and the size of the property.

Mayor Monahan said today I could say take down every temporary sign, those stick in the ground signs in the commercial areas and anything that is in the right of way. I don't want to do

that. What we want to do is give them the availability to go with the tent signs that we have actually okayed already and they can only be out during the hours of operation. What that does is eliminate the clutter of signs that are out there now. I want to give them something to transition to and give them the right to put signs out if they are having a sale or anything like that. If you have a fifty foot width you can have one and if you have a hundred foot width you can have two and at one hundred fifty you can have three, no more than that. For example, this would avoid the Shoppes of Shawnee having twenty seven signs up and down the road.

Council member Hanna said so that would eliminate the wire signs.

Brian said yes, but no. What was changed in the temporary sign code is the portable signs. The regulation, as it exists today, says you can have one per business. That was expanded to say it's either one per business or you can have more based on the frontage of the business. The temporary, or stab signs, are still regulated under the temporary sign code and basically those are not allowed to be in the right of way. They are not allowed today, nothing has changed. They won't be allowed tomorrow whether this is adopted or not adopted. It's the idea of enforcement where we still have the ability to go out and enforce that. In Planning and Zoning we looked at that and said maybe we will try to step up some of those enforcements to try to get rid of those temporary stab signs, but in the process a lot of people have more of the A frame portable signs as a means to advertise without having the stab signs.

Brian said HB 312 was signed by the Governor about a month ago. This has to do with new credit card policies. The State of Ohio, through the General Assembly, initiated a new credit card policy that basically applies to every type of political subdivision whether it be County, City, Village, Township, Park Board, Water Districts, everyone is included. It's a good thing as you have probably heard reports over the years where people who worked for municipalities that had use of a credit card and decided to charged items for their personal use and there were these huge issues of fraud. This will allow you to have better control but with better control comes the heavy hand of General Assembly and regulations that for some may seem quite onerous. For example, depending on whether or not the Fiscal Officer or the Clerk actually has possession, places may have to appoint a compliance officer and receipts have to be given and the way the policy is going to say, quite honestly, individuals can be personally held liable for the charges if these policies are not followed. It's a very intense process. What my office is doing now is we sent out emails to all of our clients so everyone will share nicely in the pool of fees to get this done. We have made everyone aware of it and we are gathering up the information. We are going to try to put together a policy for villages, generally, that then can be fined tuned to other types of government. The new policy has to be in place by January 31, 2019.

I have continued to work with Mark on zoning compliance issues, zoning cases, issues that we have, that we are looking at, that includes the idea that we are continuing to watch the situations where we can go to court and/or have the village, whatever it is, high grass, blight, what have you, where we are allowed to, I call it, self-help, where the village can actually go in and remove the blight, cut the high grass, and we are continuing to watch those situations so we can enforce them accordingly.

Mayor Monahan said on repeat offenders we are not going to fool with court anymore because we can't depend on it going through. When we have somebody that is a repeat offender on noxious weeds, I want a minimum thing given to them saying we are coming on Thursday to cut your grass. I want us to cut the grass and send the bill, on repeat offenders. We can go the other route with other people and give them a chance to clean it up but our repeat offenders, we need to do that because we are spending too much time on them.

Brian said I will be attending tomorrows BZA hearing which has to do with Jeff's development regarding storage units.

Village Administrator

Engineering preparation and application work is under way for an OPWC grant for the Glick Road Storm Sewer Improvement project which is due October 5. Total estimated cost is \$108,516 in which \$86,813 is being requested through the grant with a Village matching amount of \$21,703. The project will address flooding issues on Glick Rd. during major storm events. Authorizing legislation is on tonight's agenda.

A meeting has been tentatively set up for next week for further discussion of an easement request needed on Shawnee Trail.

The Mayor, Zoning Officer, Dan Mathews, and myself met with Dan Boggess, local resident and member of BZA, who has expertise in lighting issues to discuss possible changes to the Village lighting code.

Although we are not doing a street paving project this year due to high bids, we are looking at improving some of the gravel roads in the Village. Other maintenance projects include sign replacements and sewer inspections.

I will be returning from a family function out of state on Sept. 24 and will not be in attendance at the Council meeting that day due to a late flight.

Communications

Mayor Monahan gave the following report:

I just checked with Shirley and out of that State money from RITA that we have been lacking, that is being collected by the State, we have received \$2,000.00 of what I believe we are \$40,000.00 behind. We still have not received the tax funds that previously were successfully collected and distributed by RITA and is now collected by the State!

I sent this to Ohio Rep Brenner and State Senator Kris Jordan on 8/28.

Rep Brenner and Senator Jordan,

When this was going through the Legislature, I asked for your help to defeat this legislation. We expected that we would have the issues we are today. We are not receiving the income taxes we have coming. This is having a cash flow and budgetary impact.

We need your help to fix this situation and demand immediate and timely payments. This is extremely tough on a Village!

Thanks for your help and in the future more respect to Home Rule!

Pat Monahan

As of 9/10/18 I have not heard from either.

I met with Jimmy V two weeks ago. He had just finished up with Otie's in Hilliard and he ran through with me the kinds of things that they are going to be doing in the restaurant here. He has committed to me that they are holding off on the Short North project and going to get Shawnee Hills open. They have been working on the building and have cleaned up the outside. It is going to be high end Italian with some specialties. I am glad to see some movement on this.

Mayor's Report

Mayor Monahan gave the following report:

August 2018 Mayor's Court Report

Receipts

\$1,411.00 Total Receipts

Disbursements

\$ 225.00 Treasurer, State of Ohio
9.00 HB 562 IDAT Fund
837.00 General Fund
60.00 Computer Fund
280.00 Restitution

Erik Spaulding
Mayor's Court Clerk

We have a BZA hearing tomorrow evening at 7 pm in conjunction with the Priestino property development.

Committee Reports

Council member Gates said Planning and Zoning met on Tuesday, August 28th. The first thing we discussed was the temporary signs and Brian has addressed that already. The upshot of it was the portable signs up to three. The first one being 0-75 foot for one, 76- 149 for two and 150 and up for three. The second thing we talked about was a change in the language of our current blight ordinance that Brian suggested. Under 1307.08 B changing the word shall to may. The sentence as it is written now reads: If the owner does not comply with the order contained in the Notice of Violation than the Code Enforcement Officer or his or her designee shall have the prompt provisions of this chapter enforced and shall cause the violation to be corrected. The motion was made and passed on changing shall to may.

Council member Matney asked what was the reasoning behind that. Council member Gates said shall means that we would possibly be obligated to do it.

Council member Matney said so you wanted to leave it open so that the village could or would not have to.

Council member Gates said yes.

Council member Thatcher said UST met tonight before this. In addition to what we were talking about on the storm water that Steve discussed earlier, we talked about the extension for the connector path grant, still waiting on a vote from the county commissioners. The sanitary sewer survey is supposed to start in October and should take about two months. The closed circuit TV bid for the EPA mandate will be going out in October also. In addition to the easement that Steve talked about, there are several other easements that they are working on in conjunction with either the connector path or the storm sewer project in addition to the private one. We are working on getting all of our old documents out of Pomeroy & Associates. Several signs in the village need to be replaced and they are going to work on getting a list together for that. The retaining wall behind the PD should start in a couple of weeks. The PD donated their copier and we still have one here that is available.

Legislative Actions

Third Reading- Ordinance 21-2018- Sponsored by Planning and Zoning- An Ordinance creating, establishing and adopting Section 1307.041 (“Curbside Garbage Placement”) of the Codified Ordinances of the Village of Shawnee Hills.

Council member Stacy said this was amended. Mayor Monahan said it was amended to remove the section down in D. that said behind the front building of the residence or commercial property and outside of plain view from any neighbor or street or property. Correct. Council member Stacy said yes.

Council member Gates said I would like to make a motion to change this section to say; after the removal of the garbage cans from curbside, to bring them up to the build line of the property because I think right here as it is it is not enforceable. In the sense that they are supposed to move them but where. Seconded by Matney. Council member Gates said each property is different. Most of the garbage cans that I have seen on my walk or riding through the village have already been put up to the build line. If they are not in a garage or shed or behind some kind of wall they are usually right up by the garage, neatly placed. However, there are a few places where people have maybe put them two feet away from the curb behind a bush. The neighbors can easily see it but it is up by the build line. Everyone has a build line. Everyone has walls, a garage, or a front of a house and I think it also makes the legislation enforceable. Otherwise if it’s not enforceable, it’s not a good piece of legislation.

Council member Stacy said what if you have a piece of property where if you pull your cans back to the build line and the only place you would have to put them would be in the front of your garage and then you would not have access to your garage.

Council member Gates said it does not have to be the front of the garage, it just has to be the build line.

Council member Stacy said you wouldn’t want to put them in front of your living room window.

Council member Gates said no. Let's say here's the building, here's your garage you can still put it on the side of the building.

Mayor Monahan said in that case. Jeff, what would that person do today. Council member Stacy said I don't know. Mayor Monahan said what we are trying to do is avoid somebody leaving it on the curb or to Brian's point, we have people coming in and saying they moved it back three feet. It has to be enforceable. We are really trying not to make it a big deal, we just don't want somebody to leave it at the curb.

Council member Stacy said so it will say remove from curbside back to the build line. Council member Gates said yes. Shirley asked it doesn't matter what building it is, garage, house, detached garage.

Brian said the build line is where your house starts. If your garage is recessed three feet, that's not the build line.

Shirley said my neighbor has a detached garage that sits closer to the road than the house and they keep their trash cans in front of their garage.

Mayor Monahan said could it be the build line of the structure. Shirley said any structure. Council member Mathews said that would be good, any structure on the property.

Brian said you will have to vote on the motion that has already been seconded and then make a new motion if you want to make a change.

Following vote on the motion is recorded: yea, 1; Gates, Nay, 5; Hanna, Mathews, Matney, Stacy and Thatcher. Chair declared the motion filed by a 5-1 vote.

It was moved by Gates, seconded by Mathews that, after removal from curbside, the garbage cans will be placed at the front build line of any permanent structure. Following vote on the motion is recorded: yea,6; Gates, Hanna, Mathews, Matney, Stacy and Thatcher. Nay, none. Chair declared the motion passed by a 6-0 vote.

It was moved by Mathews, seconded by Matney to adopt Ordinance 21-2018 as amended. Following vote on the motion is recorded: yea, 6; Gates, Hanna, Mathews, Matney, Stacy and Thatcher. Nay, none. Chair declared the motion passed by a 6-0 vote.

Third Reading- Ordinance 22-2018- Sponsored by Planning and Zoning- An Ordinance creating, establishing, and adopting Section 1307.031 ("Vacant Building Registration") of the Codified Ordinances of the Village of Shawnee Hills. It was moved by Stacy, seconded by Mathews to adopt Ordinance 22-2018. Following vote on the motion is recorded: yea, 6; Gates, Hanna, Mathews, Matney, Stacy and Thatcher. Nay, none. Chair declared the motion passed by a 6-0 vote.

Third Reading- Ordinance 23-2018- Sponsored by Planning and Zoning. An Ordinance to amend and rename Section 1121.11 (Parking and Storage of Vehicles on Residential Property) of the

Codified Ordinances of the Village of Shawnee Hills. It was moved by Mathews, seconded by Thatcher to adopt Ordinance 23-2018. Following vote on the motion is recorded: yea, 6; Gates, Hanna, Mathews, Matney, Stacy and Thatcher. Nay, none. Chair declared the motion passed by a 6-0 vote.

First Reading- Ordinance 26-2018- Sponsored by Planning and Zoning- An Ordinance amending Section 351.16 (Parking and Storage of Recreational Vehicles and Equipment)

Brian said I renamed this section to say parking of recreational vehicles because that is all it does. I also cleaned up some of the language because it was wordy and there were things it didn't need so it is much clearer. The main section was subsection C which now no longer exists. That's the section that basically exempted the regulation with respect to commercial properties. That's where you now wanted that change. I took out that section and created a new subsection in regards to recreational vehicles on commercial property. One through ten already existed. Now it says you are not allowed to park recreational vehicles on commercial property if it is unrelated to the business. Brian said the way it sits now you prohibit recreational vehicles from parking or being parked on commercial property unless it is related to the business, Russ did bring up a good point in UST.

Chief Baron said the way I read this is under any circumstances you can't park a recreational vehicle on any commercial lot if it doesn't pertain to the business. So when we create laws it's not what it says it's how it is interpreted by a police officer on the street and all the way to the Supreme Court. I interpreted this as you can't park a recreational vehicle on a commercial lot that is unrelated to the business. Dan can't pull his boat into Cedarbrook to get a bottle of wine and then go to Wendy's to get a burger. As soon as he parks his truck with his boat on that lot he is violating that ordinance or violating the ordinance for that property owner. I would like to suggest we carve out some exceptions to this, would be for a patron of the business, can't park there overnight, that way you can park there if you are pulling a recreational vehicle. The other one is an exception for an event with an approved permit. We do have the Memorial Tournament and other events around the village where someone might pull in an RV or a camper and park them in a lot for a set period of time and I think that is something the event process can iron out.

Brian said he is going to work on language for these recommended changes. He said he took some liberties with the existing ordinance. In subsection B had council being able to grant a variance to this process. I removed that because variances are granted by BZA and there should be no reason why council would have a variance under this code section as opposed to having no other ability to grant variances. I also took some liberties removing the language making it a 4th degree misdemeanor on subsequent offenses because all that means is people then can transfer their case to municipal court and run up a lot of legal fees to enforce something like that and that is unnecessary so I kept it just a minor misdemeanor no matter what the offense is.

First Reading- Ordinance 27-2018- Sponsored by Planning and Zoning- An Ordinance amending Section 1121.06(N) of the Village of Shawnee Hills Codified Ordinances (Portable Signs).

Second Reading- Resolution 18-2018- A Resolution that the Village of Shawnee Hills host an employee appreciation dinner.

First Reading- Resolution 19-2018- A Resolution to increase the rate of pay for Erik Spaulding, Mayor's Court Clerk for the Village of Shawnee Hills, Ohio and declaring an emergency. Mayor Monahan asked if there is a reason for the emergency. Shirley said this is backdating the raise to August 6th.

Council member Stacy said in the future, this is a yearly process and should be more timely so that we do not have to declare emergencies.

Steve said we are working on moving everyone to the beginning of the year. This is the last one that is not there yet.

It was moved by Mathews, seconded by Hanna to suspend with the second and third readings and declare Resolution 19-2018 an emergency. Following vote on the motion is recorded: yea, 6; Gates, Hanna, Mathews, Matney, Stacy and Thatcher. Nay, none. Chair declared the motion passed by a 6-0 vote. It was moved by Gates, seconded by Hanna to adopt Resolution 19-2018 as an emergency. Following vote on the motion is recorded: yea, 6; Gates, Hanna, Mathews, Matney, Stacy and Thatcher. Nay, none. Chair declared the motion passed by a 6-0 vote.

First Reading- Resolution 20-2018- A Resolution authorizing the Village Administrator to submit an application to participate in the Ohio Public Works Commission (OPWC) State Capital Improvement and/or Local Transportation Improvement Program, authorizing and directing the Village Administrator and fiscal officer to execute all documents necessary to complete and fully participate in the same, and declaring an emergency. It was moved by Matney, seconded by Mathews to suspend with the second and third readings and declare Resolution 20-2018 an emergency. Following vote on the motion is recorded: yea, 6; Gates, Hanna, Mathews, Matney, Stacy and Thatcher. Nay, none. Chair declared the motion passed by a 6-0 vote. It was moved by Thatcher, seconded by Gates to adopt Resolution 20-2018 as an emergency. Following vote on the motion is recorded: yea, 6; Gates, Hanna, Mathews, Matney, Stacy and Thatcher. Nay, none. Chair declared the motion passed by a 6-0 vote.

Bills

It was moved by Stacy, seconded by Hanna to pay the bills in the amount of \$42,870.48. Following vote on the motion is recorded: yea, 6; Gates, Hanna, Mathews, Matney, Stacy and Thatcher. Nay, none. Chair declared the motion passed by a 6-0 vote.

Treasurer's Report

It was moved by Matney, seconded by Gates to approve the following treasurer's report:

General	241,421.67	Fire	84,596.20
Street	150,574.65	Weed	6,710.95
State Highway	15,353.83	TIF	15,765.00
Parks and Recreation	3.02	TIF 2	35,327.89
PD Body Armor	406.40	Veteran's Mem	248.97
Cont. Prof. Training	3,868.15	Sewer Oper.	26,120.42
Drug Law Enf.	283.41	Sewer Repl.	192,719.87

Indigent Drivers 385.84
Enfct. and Education 1,195.85
Court Computer 4,032.32

Storm Sewer 4,543.36
Debt Service 136,515.84

For a total of \$920,073.64

Following vote on the motion is recorded: yea, 6; Gates, Hanna, Mathews, Matney, Stacy and Thatcher. Nay, none. Chair declared the motion passed by a 6-0 vote.

Adjournment

There being no further business, it was moved by Hanna, seconded by Mathews to adjourn until September 24, 2018. Following vote on the motion is recorded: yea, 6; Gates, Hanna, Mathews, Matney, Stacy and Thatcher. Nay, none. Chair declared the meeting adjourned at 7:44 p.m.

Fiscal Officer

Mayor