

Village of Shawnee Hills Council Meeting Minutes

January 8, 2018

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

Council in Attendance: Mary Gates, Douglas Gil, 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 Mathews, seconded by Gil to approve the minutes from December 11, 2017. Following vote on the motion is recorded: yea, 1, Mathews, Nay, none. Abstain, 5; Gates, Gil, Matney, Stacy and Thatcher. Chair declared the motion passed.

Agenda

It was moved by Mathews, seconded by Stacy to approve the agenda with the following amendment: move William Daulton up to the visitor section. Following vote on the motion is recorded: yea, 6; Gates, Gil, Mathews, Matney, Stacy and Thatcher. Nay, none. Chair declared the motion passed.

Election of President Pro Tempore of Council

It was moved by Gates, seconded by Thatcher to nominate Dan Mathews as President Pro Tempore. Following vote on the motion is recorded: yea, 6 Gates, Gil, Mathews, Matney, Stacy and Thatcher. Nay, none. Chair declared the motion passed.

Solicitor

Brian Zets told the new members on Council that if they needed him for any reason he is always available by email, cell phone, etc. Since our last meeting I have been continuing to watch the H.B. 49 (Local Income Tax) and there is still this one outstanding issue with respect to non-individual municipal net profits. That whole idea where the State was going to collect those and skim a little money off the top. There was litigation filed that put a stop on that so right now I am just paying attention to see what is going on with the litigation as they are challenging that provision on a bunch of Home Rule issues. I have been working with Steve and the right of way issues because WOW is trying to come into the village. I am also reviewing the personnel manual and hope to get that back to you soon.

Village Administrator

Steve DeBolt gave the following report:

- I was contacted last month by WOW cable TV company regarding expanding their service into the Village. The Mayor, President Pro Tem, Village Engineer and I met with their

representatives last month and outlined the Village requirements. They have since raised a concern regarding the Village permit fee structure and I have asked Brian Zets, Village Attorney, for a clarification in this regard since the Ohio Revised Code addresses this matter. WOW will likely hold a resident informational meeting if they decide to proceed.

- I have been working with two vendors getting prices for the upgrade to the park playground area. Council has appropriated \$25,000 for this endeavor. Recreations Outlet, who did the original playground equipment, gave us the best price to enlarge the current playground area and provide new adult and toddler swings for \$15,700. This should leave enough funds to re-grade the park and provide better grass growth. We hope to start the project in March.
- The Mid Ohio Regional Planning Commission (MORPC) has contacted me to start the process of providing Village input into the Central Ohio Water Quality Management Plan that they have undertaken on behalf of the Ohio EPA. The plan will focus on regional sewage collection. Chris Tebbe, Village Engineer, and I will coordinate with them.
- The Census Bureau is undertaking their annual Boundary and Annexation Survey. The County GIS office updates any mapping needed on our behalf and we will complete the other survey information. Although we did not have any boundary changes last year, that may change for 2018. An annexation request is forthcoming for a parcel on Elisabeth Dr. which is just north of Shawnee Trail in Concord Township. We have been notified that Concord Township chose not to allow a vacant area of Right of Way to be vacated. This would have allowed the proposed home to be located a little farther from an existing home in the Township but there is still enough room to meet all requirements.
- I have been notified by Ohio Edison that they will consider our pathway connection project, along Glick Rd. between Dublin Rd. and the bridge for a grant in 2018. They provided a \$3,000 donation to the park bathroom project last year. We hope to secure funding assistance through other local stakeholders to complete the project and provide a safer pathway.
- I am meeting with representatives from the County Economic Development office next week to discuss their Business Retention Plan. We periodically get inquiries for new business start-ups in the Village and Mark Katzenbach has a meeting this week with someone to go over a concept plan for the property on the corner of Buckeye Dr. and let them know of Village requirements. Chris Tebbe has done an initial review on plans needed for offsite stormwater drainage for the cell tower property on Dublin Rd. and has requested additional information from the engineer.
- We have had more weather events to date than last year and Richard Ey and Mark Katzenbach have done a good job on the streets. We are purchasing our salt from the City of Dublin again this year and the agreement has been working out well.
- I have completed the job descriptions for staff which incorporates both ORC responsibilities for some positions along with other duties. Will provide these to Council at the Orientation meeting.
- A reminder that our Council Orientation meeting will be Weds. from 6-9pm here at Village Hall.

Police Chief

Chief Baron passed out his annual report at the beginning of the meeting. I don't want to go over it right now; I just want to highlight the statistics. The traffic citation portion, if you try to do the math it doesn't match up because some might have ended with a field interview, some might have received two charges, some might have been arrested. We received \$45,000.00 worth of equipment grants last year. That is a big number for us. Training, at the request of a former council member, we added training in there. We seem to do a lot of it, putting it on paper really put things in perspective. There was a letter to the editor in the Gazette and I know Kathy that wrote the letter and I was kind of sad to read that she felt targeted and didn't feel safe in the neighborhood. We urge neighbors to resolve their problems and if they are unable to resolve them call us and we will try to help. With that being said, unless the law has been broken we are very limited on the scope that we can do. We won't file a police report, civil issues and I know this sounds rash but we can't regulate hurt feelings.

The reappropriation tonight, we are freezing and we would really appreciate a new furnace. We had it repaired a few times. It was too small for the building after our remodel. It is running and overheating and going into emergency mode and shutting down for thirty minutes. It only heats half the building. Our insta-hot under the sink froze and broke and now we have to replace that. Also in that reappropriation ordinance is CPT funds. These funds can only be used for PD training and comes from completing professional training through the Attorney General's office.

Visitors

William Daulton was present to get approval from Council for a fence that he wants to install. Mayor Monahan said when Bill came to us and said he was going to sell cars: the stipulation was that within a certain amount of time he had to erect a fence. The fence had to be at least seven feet high and cover a certain area. He said this was a decision that was made four or five years ago.

Bill said in the proposal said the fence was tied to eighteen months after he got his Ohio Dealers license which comes up in March.

Council member Gil asked if his neighbors would have any concerns with this. Bill said they do not.

Council member Matney asked if the boats were coming out and cars were going in. Bill said he has both right now and he is going to fence it in. He said in the agreement it says a fence at seven feet or higher so we are going to go eight so we do not have to cut it.

It was moved by Mathews, seconded by Stacy to approve the fence as submitted. Following vote on the motion is recorded: yea, 6; Gates, Gil, Mathews, Matney, Stacy and Thatcher. Nay, none. Chair declared the motion passed.

Communications

Mayor Monahan gave the following report:

BREAKING DOWN THE MUNICIPAL INCOME TAX COURT RULING

As we reported in our previous bulletin, right before the new year, the Honorable Judge David Cain of the Franklin County Common Pleas Court issued an Agreed Order on the lawsuit brought by 137 Ohio municipalities regarding the centralized collection of municipal business net profit filings by the Department of Taxation (per HB 49). OML's Legal Counsel Garry Hunter reviewed the Agreed Order and broke down its impact as follows:

- By agreement of the parties, Franklin County Common Pleas Court has stayed the requirement of H.B. 49 that all municipalities adopt a reconciliation income tax ordinance with new state law by January 31, 2018. The new date for compliance is February 24, 2018, unless modified by the court.
- Briefs on the matter of the preliminary injunction are to be submitted by February 9, 2018 and A hearing on the preliminary injunction is scheduled for February 12-13, 2018.
- If a preliminary injunction is issued the stay will remain in effect until a decision on the merit of whether the legislation is constitutional. If the preliminary injunction is denied, municipalities will need to decide whether they are going to comply with the reconciliation requirements of H.B. 49
- The decision is binding on all municipalities which are a party to the litigation. However, those municipalities not a party to the litigation are not guaranteed the state will not try to enforce the reconciliation provisions of H.B. 49 after January 31, 2018.
- The Agreed Order only affects the reconciliation provisions of H.B. 49; all other provisions of H.B. 49 are not affected by the stay.

The litigation is an important part of the fight to defend Home Rule and preserve municipalities' ability to locally control revenues and ensure tax filings are complete and accurate. We will continue to report on the progress of the litigation throughout the court process, or if more information becomes available.

I sent the following request to Craig Tuthill of the Chamber:

Hi Craig, at our last Finance mtg. the committee committed \$25,000. for the Memorial Park improvements in 2018. We will be increasing the playground area and installing new swings. This requires the rubber ground cover to be extended. We will also be doing regrading that should help alleviate the sloping issues when the picnic tables are moved from under the pavilion. New topsoil will be added and the park reseeded accordingly.

The Chamber, with the successful Music in the Village series, has been the largest users of the park. My request is that the Chamber matches the \$25,000. committed by Council as a strong joint community project.

Thanks Craig and please let us know the level of the Chamber's commitment! The best and safest of Holidays to you and yours!

Pat Monahan

Mayor Shawnee Hills OH.

We look forward to see how the Chamber can participate this in a great community effort to increase our playground and improve our Memorial Park.

On Tuesday Jan 2nd Steve DeBolt, Chris Tebbe, Dan Mathews and I met with WOW cable about their offering service in the Village. They will be coming in later winter through this Spring. Most of their coax cable will be on the existing poles. Because of having underground utilities on Buckeye Wow will have to be buried.

More to come on this!

Mayor's Report

Mayor Monahan gave the following report:

I want to welcome our new Council members and look forward to working with you to serve the good people of Shawnee Hills!

State of the Village:

The state of the Village is good.

- Our carry over to 2018 is \$195,977.41. This includes the \$65,000. In the rainy-Day Fund. It was the 1st time ever that \$50,000. Was moved to the rainy-day fund in the history of the Village.
- Our RITA Income Taxes was the second highest year ever = \$579,603.40 The only higher year was 2015, which I believe was attributed to a windfall tax payment from Aspen Energy, associated with their leaving after outgrowing their facility.
- We received the highest possible Audit results for our 2015 – 2016 Village audit from the State Auditor.
- Our Police Improvements:
 - The Police building was completely remodeled, giving our Police the facility they need.
 - The Police now have 7 x 24 coverage for the 1st time.
 - The Police through a grant obtained a \$32K fingerprint machine
 - Safety and Council agreed to the purchase of a second “Your Speed Is” sign that will be moved around the residential streets to help pinpoint areas to help regulate speeding
- The Park outside bathroom was completed.
- We completed a \$145K road pavement project throughout the Village
- We completed an update of our Master Drainage Plan – this positions us to apply for Drainage grants this year.
- At the end of 2016 we refinanced our Sewer system loan, paying down early \$147,926.50 which provided a bill reduction to our residents in 2017.
- The Rumpke trash collection contract was renegotiated resulting in “a great recycling program and a reduction of approximately \$9.00 a month for our resident’s bills. This has had a very successful outcome.
- The Waterline project was \$95K and resulted in the increase of 8-inch waterlines on Shawnee Trail and the addition of 2 new fire hydrants.

- Planning and Zoning proposed and Council passed legislation to help define and limit the use of Tent Signs. I want to thank the businesses for their help on cleaning up some of the sign clutter.
- We implemented the new village website.

2017, as in every year, we said good bye to some old friends and met new! With the strong support of the good people of Shawnee Hills, it was a very solid year for the Village, while celebrating at our Village Picnic, Our Veterans Day, having breakfast with Santa, and the lighting of our Holiday Tree.

We look forward to working with the good people of Shawnee in 2018. With the successful operation of the Village over the past 10 years, should we require consultant input, we will seek out those who have succeeded in their fields and not failed while moving forward with a positive approach serving our residents.

DECEMBER 2017 MAYOR’S COURT REPORT

RECEIPTS

\$7,012.00 Total receipts

Disbursements

\$1,745.50 Treasurer, State of Ohio

\$67.50 HB 562 IDAT Fund

\$4,719.00 General Fund

\$480.00 Computer Fund

Erik Spaulding

Mayor’s Court Clerk

I do ask that Council picks up the Council meeting material that are available in your mailboxes on Friday afternoons, so you are familiar with the legislation and meeting materials. Shirley also send them out electronically. I want to make sure we don’t add to the inaccurate material that has been reported to our residents, such as: amount we pay for fire and EMS services to Concord Township, Appointments made and inaccurate financial concern statements.

Our residents deserve the facts! Less than that is Ugly!

On Dec 21st The Architectural Board of Review conducted 2 hearing approving the signage for:

Our new Dentist who will be located in the Aspen Energy Bldg.

And the Computer Services business opening in the building where Steve Smith and the Wine Bistro are located.

We do not have any filings for Planning and Zoning at this time.

Legislative Actions

Third Reading- Ordinance 29-2017- An Ordinance to amend Section 907.09(J)(1) (Right-of-Way Work Permit) It was moved by Mathews, seconded by Gil to adopt Ordinance 29-2017.

Following vote on the motion is recorded: yea, 6; Gates, Gil, Mathews, Matney, Stacy and Thatcher. Nay, none. Chair declared Ordinance 29-2017 adopted by a 6-0 vote.

Second Reading- Ordinance 31-2017- An Ordinance to amend the zoning district map of the Village of Shawnee Hills, Delaware County, Ohio by rezoning parcel number 60042618011001 from the Single Family District (R-2) to the General Commercial District (GC). Mayor Monahan said this one and the one following have to do with where the Wine Bistro is going to be.

Second Reading- Ordinance 32-2017- An Ordinance to amend the zoning district map of the Village of Shawnee Hills, Delaware County, Ohio by rezoning parcel number 60042618015000 from the Neighborhood Commercial District (NC) to the General Commercial District (GC)

Third Reading- Resolution 21-2017- A Resolution of commitment to Sustainable2050. Mayor Monahan said this is a MORPC driven thing, some of the housekeeping types of issues associated with that. It was moved by Gates, seconded by Mathews to adopt Resolution 21-2017. Following vote on the motion is recorded: yea, 6; Gates, Gil, Mathews, Matney, Stacy and Thatcher. Nay, none. Chair declared the motion passed.

First Reading- Ordinance 01-2018- An Ordinance to reappropriate funds for current expenses and other expenditures of the Village of Shawnee Hills, State of Ohio, during the fiscal year ending December 31, 2018 and declaring an emergency. Shirley said I have to figure out in August what our ending balance is going to be in December. Some of these accounts, for example, continuing professional training, did not get money in until later in the year so the funds could not be budgeted in the original appropriation ordinance so I am appropriating them now. For the capital improvements fund, the auditors told me I had to show that money in our books even though the City of Dublin is paying the loan back and I forgot to add that in the original ordinance.

Council member Gil asked why wasn't this discussed in Finance Committee. Shirley said because the money wasn't in and I had the budget already done and it was approved in November and I would have done this later but the Chief wanted access to the funds. Mayor Monahan said since we were doing this for the new furnace Shirley just added these other items. It was moved by Mathews, seconded by Gates to suspend with the second and third readings and declare ordinance 01-2018 an emergency. Following vote on the motion is recorded: yea, 6; Gates, Gil, Mathews, Matney, Stacy and Thatcher. Chair declared the motion passed. It was moved by Mathews, seconded by Thatcher to adopt Ordinance 01-2018 as an emergency. Following vote on the motion is recorded: yea, 6; Gates, Gil, Mathews, Matney, Stacy and Thatcher. Chair declared the motion passed.

Bills

It was moved by Stacy, seconded by Gates to approve the bills in the amount of \$87,214.21. Following vote on the motion is recorded: yea, 6; Gates, Gil, Mathews, Matney, Stacy and Thatcher. Nay, none. Chair declared the motion passed by a 6-0 vote.

Treasurer’s Report

It was moved by Mathews, seconded by Gates to approve the following treasurer’s report:

General	220,518.39	Fire	9,475.05
Street	62,490.80	Weed	7,160.24
State Highway	13,292.58	TIF	7,613.48
Parks and Recreation	1,203.02	TIF 2	18,725.73
PD Body Armor	406.40	Veteran’s Mem	248.97
Cont. Prof. Training	5,850.15	Sewer Oper.	37,252.51
Drug Law Enf.	249.56	Sewer Repl.	196,000.00
Indigent Drivers	385.84	Storm Sewer	5,394.40
Enfct. and Education	1,160.85	Debt Service	144,959.59
Court Computer	3,801.92		

For a total of \$736,253.48.

It was moved by Mathews, seconded by Gates to approve the treasurer’s report. Following vote on the motion is recorded: yea, 6; Gates, Gil, Mathews, Matney, Stacy and Thatcher. Nay, none. Chair declared the motion passed.

Miscellaneous

Shirley said Cuttin’Up has closed and they were one of our posting place so we need to come up with another place to do our posting.

Adjournment

There being no further business, it was moved by Matney, seconded by Mathews to adjourn until January 22, 2018. Following vote on the motion is recorded: yea, 6; Gates, Gil, Mathews, Matney, Stacy and Thatcher. Nay none. Chair declared the meeting adjourned at 7:45 p.m.

Fiscal Officer

Mayor