

Village of Shawnee Hills Council Meeting Minutes

November 13, 2023

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

Council in Attendance: Mary Gates, Kathy Isern, Justin LaRosa, Renee Matney, Robert Thatcher and Todd Zimmerman

Also Present: Fiscal Officer Shirley Roskoski, Administrator Russell Baron and Solicitor Brian Zets

Minutes

It was moved by Gates, seconded by Isern to approve the minutes of October 23, 2023. Following vote on the motion is recorded: yea, 6; Gates, Isern, LaRosa, Matney, Thatcher and Zimmerman. Nay, none.

Agenda

It was moved by Matney, seconded by Zimmerman to approve the agenda. Following vote on the motion is recorded: yea, 6; Gates, Isern, LaRosa, Matney, Thatcher and Zimmerman. Nay, none.

Solicitor

Brian said he worked on the income tax legislation that is on your agenda tonight. These are the updates per the Ohio Revised Code. I also worked on Ordinance 29-2023, health insurance changes.

Council member Matney asked Brian if the income tax legislation had to be an emergency; are we playing catch-up?

Brian said the entire State of Ohio is playing catch-up because it has to be in effect January 1. Everyone is scrambling to get this passed.

Mayor Mathews said that language came from RITA.

Brian said yes, they were very helpful, and pushed out language to all the municipalities.

Village Administrator

Russ Baron gave the following report:

1. Funding
 - i. The Village has funding mechanisms in place for our projects. We do attempt to get grants but have been unsuccessful due to the economics and demographics of our community. The smaller scale of many of our projects does make an impact on our ability to get these funds.
 - ii. Much of our drainage work comes from the street fund, which is a permanent levy collected from everyone in the Village.

- iii. TIF Funds are collected from improved commercial properties within the TIF District. We have TIF 1 and TIF 2. They are designated for making improvements to public infrastructure. “Must be done on public land or right of way.”
- iv. The Village has repeatedly used these funds for the “greater good” projects. The TIF funds are what we pull our non-priority projects from such as street banners, additional plantings, lighting, park upgrades. If needed we will use it for infrastructure but lately, due to smaller paving projects, it has not been needed.

| TIF 1 (Cherokee South) | TIF 2 (Cherokee North) |
|---|---|
| Street improvements Sidewalks Bike Paths Traffic Signals Lighting Utility Lines Storm Sewers Park Improvements Community Center | Street improvements Storm Sewers Utilities Construction of one or more parks. Tree plantings Streetscape / Landscape Constructing a parking structure Demolition and excavation for economic development Land acquisition |
| Priority | Priority |
| Street Lighting Burying Utilities Land Acquisition | None Listed |

- 2. W. Hiawatha. Met with Mike Eger- Work will start after the 1st of the year. This is not a lack of funding issue. The complaint was filed on June 30th. We have met several times and repeatedly said it will be included in 2024 infrastructure projects.
 - i. We will fill the pipe under W. Hiawatha with concrete.
 - ii. We are adding piping and structures on the North side of W. Hiawatha and filling in the pipe under the roadway. This piping will be oversized to accommodate any growth in the area. This pipe will tie in with the structure that runs under Dublin Road. This should capture all the water on the N. Side of W. Hiawatha and send it to the river, so it should not cross to the South side of the street.
 - iii. We will make any other necessary repairs to ensure the integrity of the roadway and then re-pave it.
 - iv. The resident is responsible for making repairs to her homeowner installed piping or to re-establish a ditch as her neighbor has done already.

2. Sink Holes and Drainage Issues

1. Ask that you report your stormwater issues and sink holes under the “Stormwater” tab on our website. Once this is done, we can then react appropriately. If we are not made aware of an issue, we cannot react to it. Just posting it in the comments section of a Facebook post does not help anyone.

3. Plowing

1. Township Agreement

- i. Will receive salt from Concord Township and pay a per ton fee, no upcharge.
 - ii. Will always have 4 tons of salt available for the Village, when supplies are low.
 - iii. In return we will plow/salt Logan and Mohican.
 - iv. Having an agreement, where one didn't exist, allows us to sleep a little better knowing we will not have to tell our residents “We can't salt”.
2. Have a map for our plow routes with their priorities, this will be posted on our website and social media.
 3. Andy will be assisting with plowing using the Kubota. With this we can clear the sidewalks, Village owned parking lots, and clean up some of the dead-end streets that were difficult with the truck.
 4. The truck will be ready to go next week.

4. Construction Updates

1. Maumee Bay is coming along nicely.
2. Bill Shirmer is slowly starting on his property. Hope to see some movement soon!
3. Nelson Auto Group has made several upgrades to the exterior of the building, it has made a big difference.
4. Nest Day Care is working on their property as well! Their newly painted building looks very nice!
5. No changes on the Bogey site, met with Muirfield last month and they said they intend to tear the building down in 2024 and re-build the Bogey by 2025. More to come on this.
6. Nothing on the cell tower lot.

5. Loud Booms

1. Edison is blaming squirrels on the power line. Both incidents occurred on the same pole. The loud boom was a protective fuse that was tripped to prevent customers losing power. Edison will be installing animal guarding on the poles along River View.

6. Tree Lighting
 1. Richard, Andy, and Shawnee Hills Blooms have been hard at work to decorate the Village for the holiday season. Looking forward to seeing it done!
 2. December 1st at 7pm @ Monahan Park
 3. Bonfire
 4. Christmas Carols- Girl Scouts
 5. Cookies / Hot Chocolate- Civic
 6. The Police Department will be collecting canned goods for Delaware County People in Need. Let's fill a cruiser full of food and make a difference in someone's Holiday season.
 7. Santa may make an appearance!

7. The Village and the Police Department are collecting items for the Turning Point Domestic Violence Shelter and toys for the Delaware County Common Ground Free Store. I have put a few flyers in the back but if you can donate, we appreciate it! Drop boxes are at the Muni building, PD, 3rd Base Pint House, and Boston Stoker

8. Oktoberfest
 1. Nicely attended, despite the persistent rain.
 2. Look forward to Maumee Bay coming in and continuing to support these types of events for our residents.

9. Tree City USA
 1. Our application for 2023 has been submitted, we will have no problem retaining this designation.
 2. Also submitting information for a growth award. Our relationship with Shawnee Hills Blooms has put us in a position where we may be able to gain recognition.

10. Thank you to Shawnee Hills Blooms
 1. Watering and planting throughout the summer. They really made an impact to the Villages curb appeal. The pollinator garden in the park looks great and provided some education for the kids, the butterfly wings topped it off nicely! Their education series has been well attended; I hope more residents take advantage of it! We look forward to next year and are very grateful for the partnership we have with them!

Council member Matney asked if the crack in the road is going to be safe until we repair it.

Russ said it is fine. Mike Eger thinks he can get to it right after the first of the year and we are waiting on the new budget for 2024.

Visitors

Emily Lipp, Delaware General Health District, said our levy did pass last week so you are stuck with us for another ten years. This was a renewal without an increase. We are starting our

recycling of holiday string lights. If you have strands that don't work anymore or strands that you don't want anymore, from November 15 to January 15, you can go to six different locations throughout the County to recycle them. The closest ones are Delaware Public Health District, Delaware County District Library (all locations), and Price Farms Organics.

Project Dreams, which is a youth participatory action research group and Delaware County are looking for applications from high school students to be involved in their second year. This group is about 15 to 20 high school students that come together and spend about half a semester talking and addressing their concerns about regarding their experiences with racial bias or discrimination and they connect with not only their peers but also teachers and another Delaware County individual who runs it. Her name is Whitney Gherman. They do get a \$250.00 stipend for their leadership and work throughout this. Last year, the students who did this, created a presentation on their ideas and their leadership projects that they worked on. They presented these at a showcase. The program kicks off on December 30 and meets bi-weekly after that.

Brent Drake said I own some parcels in the northwest corner of Shawnee Hills and I do not seem to understand why there are no streets there. I've been to the recorders office and they tell me that there are streets there. I come down here and they are closed. I am wondering, what is the status? Are those lots actually in Shawnee Hills; are those roads; are you planning on upholding to the zoning that is on these lots?

Russ said Mr. Drake this has been answered. That is unimproved right-of-way through that area and it is plotted streets and when it is developed the street can go in unless someone does a planned unit development and decides to reconfigure those streets.

Brent said a planned development. If I go in there and split those lots into eight lots and make them conforming lots and put them into someone's else's name so that they don't touch one another, that will be conforming and I have a right to streets then.

Russ said whoever develops those houses is responsible for putting in the roadway to their house. That's in our code.

Brent said there are either streets there or there's not. Have you vacated the streets? All those streets were brought into the village and at that time they were legal. The only thing that hasn't happened is the village has not maintained those streets.

Russ said that is unimproved right-of-way so whoever develops back there will be responsible for the roads, whether it is an individual or a developer.

Brent said so you are telling me that a person who builds a house at the end of the street is responsible for that street going all the way back.

Russ said yes.

Brent said so, in your code, you have done away with the plot plan that has been recorded.

Russ said no, we are talking about two different things.

Council member Isern said I believe it is platted. There are lines on a map, but there is no physical paved street. It is not a matter of maintenance, it's a matter of building one to start with.

Brent said one of the streets has Del-Co Water running under it. Do you consider that to be a street then? If it's private land, it's private land.

Council member Isern said a utility doesn't have anything to do with a road.

Brent said you are saying there is no road there but the utility has the right of way to use that.

Russ said there are utility easements. There are road right-of ways. This is everywhere in the village.

Brent said so the houses that were built on Forest, did they build that road.

Shirley said yes, they did.

Council member Gates said in all technicality, we all own to the middle of the road and those are non-conforming roads all throughout the village. We still pay taxes on that but the village has the right-of-way to maintain that pathway, that road.

Brent said so when it snows and I am down here cutting wood, am I supposed to pay so I can get back to the property.

Council member Gates said it is your property and the development of the road is incumbent upon the actual developer.

Brent said I believe the development was Shawnee Hills.

Council member Thatcher said we do not develop. We just maintain and work the village. We will put in roads in places but you have to have a right-of way and a reason to do it. Right now, there are no houses, no sewers, there's nothing back there.

Brent asked are there lots.

Mayor Mathews said they are all plotted lots.

Brent asked are you collecting taxes on that.

Council member Thatcher said we are not collecting it on a house. We are collecting on vacant land, which is significantly different.

Brent asked when somebody brings something in to the village, is it ten acres or is it plotted out.

Council member Gates said your ten acres were part of the original platting of the village.

Brent said so you are accepting that plot or you are not accepting that plot.

Mayor Mathews said that is how the plot stands. They are plotted lots.

Brent said they are platted lots with the roadways.

Mayor Mathews said they are just right-of-ways. When your parents purchased the land were there roads there.

Brent said according to the Recorder's map, yes, they were. I believe that was a legal road when it was adopted into the village. Now, what the village has done to make it illegal, I don't know.

Mayor Mathews said I guess I am not following the questions. The Village has done nothing there.

Council member Thatcher said I am not sure what you are asking us to do.

Brent said the property has been brought up to you for rezoning and you want me to pay to go down the street and hook into the sewer and these lots have been in since 1941. Shouldn't those lots have been included in the grant for the Village of Shawnee Hills.

Council member Thatcher said they are, but, the sewers were not here 25 years ago. We can provide sewer to your lots, but somebody has to pay for it.

Russ said the simple answer is. Anyone who develops back there is required to put in the roadways, the infrastructure, the sewers, just like everyone else in the village.

Brent said so your position is there is no road.

Russ said there is a plotted roadway; there is no physical roadway.

Brent said there is no sewer to the property because the line is too shallow.

Russ said there are two options. You can lower the sewer line or you build a pump station. If anyone north of the village annexes we are going to have to put a pump station in.

Communications

Mayor Mathews said I want to thank Rob. The Veterans Day Celebration was great. Richard and Mark did a great job also.

Starting in January, we would like to put on a couple of seminars on Government 101. Where we get our money, how we spend our money, what's allowed, what's not allowed for us to work on. Things like that. Dates and times and topics to be determined.

He said that we need to pick up that conversation on multi-family housing again. We do have to pick up and be proactive about this. At some point, someone is going to develop the Drake property. In January, those conversations need to be started up again.

Pro Tem Report

Pro Tem Thatcher thanked everyone for Veteran's Day. Bobby Nothstine, Jacob, for singing the National Anthem, Russ, Andy and Mark for doing everything they did to make it go so well. I appreciate it.

Council member Gates said that Representative Brian Lorenz and his family joined us for Veteran's Day also.

Committees

Council member Thatcher said that UST met. Russ talked about the big stuff on the plowing. We also revisited the truck purchase that we had discussed a few months back in Finance.

Brian said that the Evans Farm JEDD Board met. Kathy is on there and I go to the meetings also. There are three entities involved in the JEDD. That is the Village, Concord and Orange Townships. When you look at the breakdown from revenue that comes in, the net revenue, the breakdown is, currently, 10% to the village, 32.50% to the Board Improvement Account, 5% to Concord, 32.50% to Orange and then another 20% to the Delaware County Finance Authority. The Finance Authority is not a signing entity of the JEDD.

A conversation was had at the last JEDD Board meeting in regards to the 20% going to DCFA and why is 20% going to DCFA. If you look at the gross revenue splits, one of the payments is money to DCFA for expenses incurred of the DCFA to establish the JEDD. Delaware County took a lead role in putting these documents together and helping the JEDD to come together. Any money spent will be repaid before the net proceeds will be paid out. In 4.2.2.5 there is another 20% out of the net revenue. The conversation at the last Board meeting was should that be, can it be changed. The answer to can it be changed is yes. All three entities will have to agree to the change. It was decided that the members of the Board would go back to their respective governing bodies and bring us this issue. Should the 20% of the net proceeds go to the DCFA and if they don't go to the DCFA where do they go. The Board Improvement account is loosely defined in the JEDD agreement. It is basically an account where they can do the things that the JEDD Board needs to do.

Council member Isern said one of the big things that the BIA would be responsible for is infrastructure improvements in the JEDD area. I know one thing they were talking about is needing a two million dollar fire truck soon.

Legislative Actions

Second Reading – Ordinance 28-2023 – An Ordinance to appropriate funds temporarily for current expenses and other expenditures of the Village of Shawnee Hills, State of Ohio, during the fiscal year ending December 31, 2024.

Second Reading – Ordinance 29-2023 – An Ordinance amending Section 624.1 (Health Insurance) of the Village of Shawnee Hills Local Government Manual.

First Reading – Ordinance 30-2023 – An Ordinance amending Chapter 181 (Income Tax) of the Village of Shawnee Hills Codified Ordinances and declaring an emergency.

It was moved by Gates, seconded by Zimmerman to suspend with the second and third readings and declare Ordinance 30-2023 an emergency. Following vote on the motion is recorded: yea, 5; Gates, Isern, Matney, Thatcher and Zimmerman. Nay, one; Larosa.

It was moved by Thatcher, seconded by Zimmerman to adopt Ordinance 30-2023 as an emergency. Following vote on the motion is recorded: yea, 5; Gates, Isern, Matney, Thatcher and Zimmerman. Nay, one; LaRosa.

First Reading – Resolution 16-2023 – A Resolution that the Village of Shawnee Hills host an employee and volunteer appreciation luncheon and declaring an emergency.

It was moved by Zimmerman, seconded by Isern to suspend with the second and third readings and declare Resolution 16-2023 as an emergency. Following vote on the motion is recorded: yea, 6; Gates, Isern, LaRosa, Matney, Thatcher and Zimmerman. Nay, none.

It was moved by Matney, seconded by Thatcher to adopt Resolution 16-2023 as an emergency. Following vote on the motion is recorded: yea, 6; Gates, Isern, LaRosa, Matney, Thatcher and Zimmerman. Nay, none.

Bills

It was moved by Zimmerman, seconded by Gates to pay the bills in the amount of \$63,175.17. Following vote on the motion is recorded: yea, 6; Gates, Isern, LaRosa, Matney, Thatcher and Zimmerman. Nay, none.

Treasurer’s Report

It was moved by Zimmerman, seconded by Gates To approve the following treasurer’s report:

| | | | |
|---------------------|------------|----------------------|------------|
| General Fund | 487,122.79 | Enfct. and Education | 1,795.98 |
| Street Fund | 280,771.04 | Fire Fund | 95,133.95 |
| State Highway | 37,933.84 | TIF Fund | 73,424.93 |
| PD Body Armor | 4,305.17 | TIF 2 Fund | 53,886.84 |
| Cont. Pro. Training | 2,535.48 | Police District Fund | 155,028.25 |
| Evans Farm JEDD | 851.86 | Veteran’s Memorial | 298.97 |
| Drug Law Enfct. | 534.41 | Sewer Operating | 77,001.96 |
| Indigent Drivers | 385.84 | Sewer Replacement | 7,506.08 |
| Law Enfct. Trust | 3,259.20 | Storm Sewer Fund | 28,227.95 |
| Am Rescue Plan | 63,418.14 | Debt Service Fund | 87,925.18 |
| Weed Fund | 300.00 | | |

For a total of \$1,461,647.86.

Following vote on the motion is recorded: yea, 6; Gates, Isern, LaRosa, Matney, Thatcher and Zimmerman. Nay, none.

Executive Session

At 8:00 p.m. it was moved by Thatcher, seconded by Isern to adjourn from regular session and go into executive session per R. C. 121.22 (G)(3) to conference with the Solicitor concerning

disputes involving the Village that may be subject to imminent court action and invite in the Mayor, Solicitor and Administrator.

Following vote on the motion is recorded: yea, 6; Gates, Isern, LaRosa, Matney, Thatcher and Zimmerman. Nay, none.

At 8:25 p.m. it was moved by Thatcher, seconded by Isern to reconvene the regular session.

Following vote on the motion is recorded: yea, 6; Gates, Isern, LaRosa, Matney, Thatcher and Zimmerman. Nay, none.

Adjournment

There being no further business, it was moved by Matney, seconded by Zimmerman to adjourn.

Following vote on the motion is recorded: yea, 6; Gates, Isern, LaRosa, Matney, Thatcher and Zimmerman. Nay, none. Meeting adjourned at 8:25 p.m.