

## **Village of Shawnee Hills Council Meeting Minutes**

**January 23, 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: Administrator Russell Baron

Absent: Fiscal Officer Shirley Roskoski and Solicitor Brian Zets

### **Agenda**

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

### **Village Administrator**

Russ said the work on W. Hiawatha is mostly done. He will be moving to E. Hiawatha to work on some drainage. It looks like we are going to be able to fix the entire portion of W. Hiawatha. We do have a couple of clogged storm sewers. We have a company coming in to jet out the storm sewers.

Meeting with Chris tomorrow to shore up some projects that we took to UST. Some little park area and things like that.

The EPA mandates – We bid the sewer repairs out and we did not get any bids. It was either too big of a project or it was too small of a project. Chris is going to break it up and then resend it out so we can get that work done. Either way we have to have it done by March. With that we just learned that we have to submit several annual and biannual reports to the EPA. This will be in perpetuity. We will do that for long after we are all gone. Chris is working on catching up and then working more towards the future. I think we can handle a lot of it internally between Mark, Shirley and myself and then combine that with Chris's portion, will keep the engineer's cost down at the end of that.

The Veteran's Memorial rehab was discussed in UST and I called to get a quote, which was reasonable, and I asked when he could start and he showed up the next day. We are adding to the Memorial wall. We were out of tiles on top. We will be adding about 100 more tiles.

### **Police Chief**

Russ said Ohio started up the Continuing Professional Training which isn't a bad thing. We always exceed it anyways. It changes our dynamic so we are working on recreating what our training is for 2023.

Along the lines of training: Training, Policy Issuance and Policy Knowledge. Lexipol awarded us the Gold Standard for the third year in a row.

Our new full-time hire, Lansine Coulibaly, filled a vacant full-time spot. He has experience at a hospital but he has no patrol or road experience, but worked in a police capacity at a hospital for several years. We think he will work out just fine.

## Visitors

Sara Muniza, Keller Williams, said I am co-listing a few parcels of land with Steve Smith. We are respectfully asking for vacating an easement that runs through the middle of it, hypothetically, to provide access to more than one home that would be in that area, but we have a buyer that is buying the entire tract of land, 1.2 acres, and will be putting a home in the middle of that land. So, I am now going to turn this over to Steve Smith.

Steve Smith provided Council with an updated map showing the easement area to be vacated. The third page is the old 1940's plat map that has the original easements in there. That easement does not go any further than the back of our property. There were never easements on Straders property because that was all acreage. On the next page you see a blue line and that is the easement we are requesting to be vacated. We are in contract and this person just wants to put one house in there. It will be by far the best bench mark sale in the Village of Shawnee Hills, provided the sale goes through. The list price is \$300. I am not at liberty to tell you what the sell price is, what the contract price is. If you look closely at that blue line, it does not go into Jim Hagloch's property. He is at 3494 there. That is his lot. Westview kind of dead ends right there in front of our easement and he owns one lot in Shawnee Hills and the rest of his property is in Concord Township. The solicitor asked us to get names and sign offs from people that are contiguous to that easement. We have gotten him to sign off and also Pam Goodfellow and Eric Thomas have signed off. Sara is working on the Strader folks.

Sara said I spoke with Patty Anderson, who would be the person to sign off on that. Presumably she is fine with that but she needs to run it past her attorneys. Unfortunately, we got that directive on Friday and she hasn't been able to reach them as yet. We apologize, we do not have her signature yet, but we do have the other ones.

Steve said the next page is the survey of the property. The left-hand kind of blue line is kind of the cutout at the top. It's a thirty-five-foot easement that goes the length of the property. There are seven lots on the north side and seven lots on the south side. I know there is always concern about access to the Strader property. The last page shows five different ways to get into the Strader property after this easement is vacated. The first one is on Dublin Road. There is a dedicated right-of-way that goes in from Logan. Another access is the property owned by Mouth of Wilson, which is Straders. They own those three lots and they also own twelve lots on Logan, if it ever gets developed. Their property here is their main grow operation. There is also access from Ridge and Forest off of Westview. We are requesting that the easement be vacated. I don't see any good use for it now or in the future.

Sara said we are scheduled to close on the January 31. So that's the hope.

Steve said we did market it to sell the two lots separately but we did not get much interest. The buyer came in and wanted it all and it will be over a million-dollar home there if the lot sells for 300. Are there any questions?

Council member Isern asked if this easement could potentially hold utilities.

Steve said it could but I think the utilities would come from Dublin Road. There are two access roads already along Westview at Ridge and Forest. I looked at the Baker property to the north and there are five access points to that property.

Council member Gates said the issue at hand is, we have had three situations, two requests, exactly of what you are asking and we have refused both of them because it is village property,

so we don't really kind of just give away property and we refused these people. One was on E. Wilma and the other was on Ridge. The other situation that happened was the property across from us with the cell tower. We had to actually purchase a small portion of property back in order to put the line in underneath Dublin Road to the river for that property there. People did build things on there that had to be removed. I don't know what we would say to the people that we have refused.

Steve said I understand the Wilma situation. That was Eileen. I sold that property so I know all about that easement. I can see if a business was going in there you should be able to use Eileen for dumpster service behind the building or making a loop going out to the Concord Township right of way. I am not familiar with the Ridge situation.

Steve said this is a property owner that owns both sides and it goes down the center of the property. There will probably be damage if we lose this buyer. The amount of money we have in contract for, I think, benefits the village much more than giving away an easement that will probably never be used. I know those easements that run down to the river are probably more valuable than one that is up there on the west side of town.

Sara said I think your concerns are valid and I understand that this is a concern of the village. These are the northern most lots before Concord Township. To the concern of utilities, these would be the last lots that utilities would run to. We can't cut across Strader's without talking with them because there is no easement on their property so, hypothetically, utilities wouldn't come in from Straders and they wouldn't come down because of Concord Township so the only utilities that we are concerned about on that property, because it is cornered in, is the home that is sitting physically on that property. As far as giving up property, we certainly understand. Unfortunately, the north parcel is sandwiched in. The west side of that lot is Jim Hagloch's driveway. The north part is Jim Hagloch's property. The east part is Straders and the south part is the other parcel that our client owns. If we sell these parcels separately, we would have to go in right in front of Jim's property and then somehow cut across and then the front yard of that north parcel is looking at Jim's driveway. That is their front yard, so it is not advantageous, or even realistic, to sell these properties separately.

Steve said Jim owns that lot. I don't know if there is an easement there. It looks like it stops at the end of Westview and there are no dotted or dashed lines on 3494 so our north lot would not be assessable from his property.

Council member Gates said if you look at the second page. You will see the home that is just south of the second set of seven lots. That was a house that was built on less than that. They are very close to Westview but they were grandfathered in due to circumstances that go back to 2000 when the sewers were put in. It is possible that even the way those are figured that you would be able to put a house on each of those.

Sara said I want to be clear. It is completely possible to put a home on each of those parcels. The north lot, if you look, that is Jim's driveway. So, what happens is, would you buy a lot that your front yard was someone's driveway cutting across it. Probably not. It is much nicer to have a

house in the center of these two parcels because half of it is looking at the driveway but the greater half is not and that is what makes that north parcel a little bit harder to sell.

Council member LaRosa said hasn't Tebbe looked at it and said if there was even a possibility that we were going to use it for utilities. Looking at this it is a dead end. It is not going anywhere. There is no place for anything coming in or going out.

Steve said in the example you gave, that first drive there, that house has a side load garage and they are using their easement as a driveway basically. That is the same thing you are running into with this house on the left side of that map. They are going to lose pretty much all of their driveway if the easement is used going to the west. I understand the Wilma easement. I agree with that 110%. It is a business location. I think you get into a lot more grayer areas where you won't need these easements. This is at the far west end of the village.

Mayor Mathews said so Beech does dead end. There is nothing east of it.

Steve said there is nothing east and west. It stops right there at the Strader property.

Mayor Mathews said for all intents and purposes Beech only exists this 150 feet from Westview to Straders western border.

Steve said Beech Road east, yes. It does go west also. If there is future development I am sure there is access to be had going north from this side of town.

Council member Zimmerman said if you took Beech you can put a road bed in there, correct.

Council member LaRosa said but where is it going to go.

Council member Zimmerman said you can cut a road bed in and you can build on those seven lots on each side.

Steve said you could.

Council member Zimmerman said you are looking at a narrow width, but it is doable and for me, personally, I just have a problem with vacating because it is not about today or twenty years from now, it could be thirty years from now. We never know what Straders is going to do. We never know what anybody is going to do. We assume, but you can't assume. I have a problem with losing things like this and that is just me.

Sara said can I ask you a question. Straders goes away and that becomes a development. Would you run utilities from Dublin Road or would you go back?

Council member Zimmerman said we never know. There are things on Westview and there are other things to the east. There are opportunities to the north. You never know. It could be drainage, it could be sewers. To lose it is critical. We had a former mayor in here one time, Judy, and she regrets giving up a piece at one time because we had to buy it back.

Council member LaRosa said I think you are right to a point, but we are really holding on to the if, and when, and what if, and the possibilities that we don't know.

Council member Zimmerman said that is what we are as a village.

Council member LaRosa said I get it but with something that doesn't even go, it stops at Straders.

Sara said and there is no easement after that.

Council member Zimmerman said if we do this there will be a landslide of people coming in here expecting the same thing and I know people that this is a cut off here, here and here and if this is what you want to start doing, that's fine, you can vote that way. But in the long run you just don't know.

Council member LaRosa said I see it from both aspects. I feel like we are cutting it off real quick there. We've done it for Equity. I know it's a business.

Council member Zimmerman said we haven't done it for Equity. They have not come forward. They don't have everything yet, the paperwork. I'll be honest with you. They built on it and did everything without our consent to do it, so they are going to have to get the votes for that.

Council member LaRosa said I did mention that before it was done. It sounded like that was okay.

Council member Gates said it never came before us.

Steve said it sounds like you are considering abandoning it for them. I think each one of these has to stand on its own merit, myself, but I wouldn't abandon something east of Dublin Road because that is access to the reservoir and to the pump station. That's where everything goes. I don't know what is going to go to Strader's back door and stop. It's nothing. If we build our driveway in there, does this homeowner have to tear their driveway out because you guys want to put a waterline down through there. No one is going to want to buy these lots. Arguably the best two lots in the village, in my opinion.

Sara said there is a very real family on the other side of this with two little kids going to Dublin Schools who are invested in this property and closing in a week from now to build the home of their dreams. I just ask that you consider that real possibility because we may or we may not run utilities through there and we may or we may not need something in the future. I am a Dublin resident and I love Shawnee Hills. We come here a lot. I am not trying to take anything away from you but there is a family on the other side of this that today is depending on this decision.

Steve said they are going to build a million-dollar house, no doubt about it. You will get the tax income from there and if they work from home you will get quite a bit of RITA tax. I understand both sides as well. I am in the real estate business. I have been on the other side of the fence and

have advised not to do certain things as well. I have sat on the zoning board for Concord Township for a number of years so I understand this is a tough spot to be in. I don't think somebody who is wanting to build on a lot that is in the main thoroughfare of easements going to the river is the same thing as what we are talking about right here. It is definitely not the same thing we are talking about on Wilma or Eileen.

Steve said we appreciate your time. Is there a time when we can expect a response or do you guys vote on that tonight? How does that work? Where do we go from here?

Russ said you will have to provide the signature from Straders. If you don't have the signature from Straders, there's a process that it has to be advertised and we have to have a public hearing. With the signature, you can bring it in and we can vote on it.

### **Communications**

Mayor Mathews said I had lunch with Steve and talked over several items, possibly some land acquisition. We'll see how that goes.

### **Pro Tem Report**

Pro Tem Thatcher said I am working with Post 800. We are going to try to get a rededication for the Vet's Memorial. The committees will be staying the same with some changes in leadership roles. All of our other external committees are filled at this time. I am not aware of any new ones that I have to appoint.

### **Committee Reports**

Council member Matney said Finance met tonight and the Chair for 2023 will now be Mary Gates. Congratulations. I will be the Vice Chair. We reviewed the Village Administrators hourly pay. When we passed ordinances in the fall to give the village employees and police department raises we failed to include the Village Administrator. We are recommending a rate increase of \$3.50 per hour. You will see upcoming legislation for that.

### **Legislative Actions**

Third Reading- Resolution 15-2022- A Resolution authorizing and directing the Village Administrator and Fiscal Officer to execute an LED Street Lighting Agreement with Ohio Edison.

Russ said this is just for Dublin and Glick Road.

It was moved by Isern, seconded by Zimmerman to adopt Ordinances 15-2022. Following vote on the motion is recorded: yea, 6; Gates, Isern, LaRosa, Matney, Thatcher and Zimmerman. Nay, none.

Third Reading – Ordinance 29-2022 – An Ordinance amending Section 1117.08 (PUD Plan contents) and Section 1117.10 (Procedure for Approval) of the Village of Shawnee Hills Codified Ordinances.

It was moved by Gates, seconded by Zimmerman to adopt Ordinance 29-2022. Following vote on the motion is recorded: yea, 6; Gates, Isern, LaRosa, Matney, Thatcher and Zimmerman. Nay, none.

First Reading – Ordinance 02-2023 – 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, 2023 and declaring an emergency.

It was moved by Gates, seconded by Thatcher to suspend with the second and third readings and declare Ordinance 02-2023 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 Zimmerman, seconded by Isern to adopt Ordinance 02-2023 as an emergency. 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 Matney, seconded by Gates to approve the following treasurer’s report:

General Fund	548,872.56	Enfct. and Education	1,245.85
Street Fund	417,138.42	Fire Fund	70,672.93
State Highway	33,183.08	TIF Fund	92,161.26
PD Body Armor	2,753.48	TIF 2 Fund	28,886.54
Cont. Pro. Training	2,535.48	Police District Fund	4,479.86
Evans Farm JEDD	41.27	Veteran’s Memorial	248.97
Drug Law Enfct.	534.41	Sewer Operating	54,294.69
Indigent Drivers	385.84	Sewer Replacement	8,006.08
Law Enfct. Trust	3,259.20	Storm Sewer Fund	19,485.63
Am Rescue Plan	63,418.14	Debt Service Fund	97,796.92

For a total of \$1,449,400.61.

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

### **Miscellaneous**

Mayor Mathews said Mark and Richard did a great job clearing the roads.

### **Adjournment**

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

Following vote on the motion is recorded: yea, 6; Gates, Isern, LaRosa, Matney, Thatcher and Zimmerman. Nay, none. Meeting adjourned at 7:41 p.m.