

Village of Shawnee Hills Council Meeting Minutes

January 24, 2022

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

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

Absent: Justin LaRosa

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

Minutes

It was moved by Gates, seconded by Zimmerman to approve the minutes of January 10, 2022. Following vote on the motion is recorded: yea, 5; Gates, Isern, Matney, Thatcher and Zimmerman. Motion passed.

Agenda

It was moved by Matney, seconded by Zimmerman to approve the agenda. Following vote on the motion is recorded: yea, 5; Gates, Isern, Matney, Thatcher and Zimmerman. Motion passed.

Solicitor

Brian said I worked a little bit with Mark and Rob Miller in regards to the Ninja Gym parking lot before last weeks ABR meeting. Late last week I worked with the Chief on an employee issue and I also drafted Ordinance 02-2022 which is that fireworks legislation. I tried to make the whereas clause kind of understanding of last year. Last year Governor DeWine signed what was called the Fireworks Bill which will be effective in July, which now allows everyone to be able to purchase commercial grade fireworks and set them off in your yard. It is legal on the holidays that are listed in the bill. One of the quirks in the legislation that was passed by the general assembly is local municipalities could either restrict the number of days that you could do it or ban it all together. Our code currently has a ban on setting off fireworks like that. I talked with Russ and the proposal with this legislation is to continue that ban and not allow it on any of those holidays which will be allowed after July 1.

Village Administrator

Russ said I spent most of my time speaking with residents about the upcoming development.

Ninja Gym parking lot has been approved by our engineer and the ABR.

Equity – They have a ground breaking this Thursday. Dan and I will bring snow shovels to that.

The ten acres at the back of Westview. Nothing has been formally proposed to the village. They came in with a conceptual idea. When we do get something, we will speak with the residents.

The land that Shawnee Square sits on has been sold. I have been speaking with the property owner about the multiple blight/code violations that plague the property. He seems to be interested in developing or rehabbing the center but he has to work with Trembly because he inherited his lease. There is another 50 years left on Trembly's lease.

Ohio Groundskeeping – We have had several complaints. We are addressing them. A lot of complaints have to do with the status of the grounds. There is nothing they can do until spring. We are not going to let this bleed over into the summer. I have been meeting with them pretty regularly. We have siding on the front of the building now, so that's a plus. We need to get that moving. The goal is to try to stay out of court because that costs us money and costs them money and nothing gets done.

Still waiting on Equity to get back with numbers to us for the improvements along Glick Rd. Once we have them we can go to Finance.

The employment page on our website has been added. We will have a continuous posting for part-time police officers. The PIO position is also posted.

I had a meeting with MORPC exploring ways that our participation in MORPC can benefit the village. One of those is looking at Sustainable 2050. It's an issue that supports MORPC member community's sustainability efforts to direct technical assistance, cooperation and recognition. It kind of has a green piece to it and it also has a tech piece to it and it is no cost to the village to participate. Looking at the buy in from our community, it doesn't seem like it is going to be something overbearing for us. From what I have seen it appears to be a good program for us to jump on. Our neighbors, Dublin, Powell, Plain City are also in there. We will explore that and I will have something for UST.

It seems lately we have been bombarded with development. The village and our surrounding areas are rapidly growing. There is nothing we can do to stop it. I spoke with the Township the other day and they have a proposal for about 350 houses just up the road.

The village has very little, or no say, to what type of business comes in. It is privately owned land. If someone buys it they have the right to develop it. We can't interfere with that development unless it conflicts with our code. The code is set by council and if residents want to change the code or want to talk about the code that is for you folks to decide. A lot of the issues I dealt with this week centered around the parking lot. ABR is our Architectural Board of Review. Their scope for that project was landscape and what color do you want the lines to be painted, per our ordinances. We need to make sure that the conversations we have in the committees stay appropriate to the committee or it puts the village in a bad position. Things like drainage, traffic, noise, parking, are all considered at our zoning level or other committees of council. The Wine Bistro and the Ninja Gym are two projects that went through without any variances because they 100% met our code. If that is something we want to look at we can look at it, but I don't see any other big lots available that a Ninja Gym can pop up on. Wrong or incomplete information regarding recent proposals has created a ton of unnecessary work for village staff. I know last pay period I had 15 hours dedicated to fixing things that were said on line or elsewhere. It creates a lot of unnecessary work when we could be looking forward and making sure that things are

exactly what the village wants. I just urge the residents, if you have a question about something, come in and ask. I had one resident come in and sat down and talked about the development. Come get your answers maybe before we put information out to the public. I think a lot of our residents see that as the only information going out and hopefully, when we get the PIO position filled, we will be able to be more proactive in that regard. I just urge everyone to come in and ask the questions and get the answers before we go to the internet and cause issues. I do think the residents need to have some sort of input in what goes on but I would also like the residents to be understanding of the fact that the village has a process and there are laws in place that we can't say we don't want this type of business unless it is specifically prohibited by our code.

Police Chief

Chief Baron said the annual report has been completed. We are still seeing some of the lingering effects of COVID. The Zoo wasn't as busy. Our calls were a little bit lighter. Our 2020 domestics were really high. I think everyone was stuck at home together. Our 2021 domestics were a lot lower. The new cruiser has finally arrived. The cruiser we purchased last year is in the process of getting upfitted. Delaware County Clerk of Courts stopped issuing citations. They are pushing everyone to the e-citation models. It will be a cost saving in the long run because our officers are driving to Delaware City about three times a week to drop things off. They are leaving the village and going there. We will gain by having the officers in the village and saving gas.

We are actively trying to hire part-time officers. The full-time rate of pay continues to be an issue and also the part-time rate of pay. The number of applicants has declined rapidly. Both our full time and part time rate of pay is \$8.00 to \$10.00 per hour less than what other area agencies are paying. We did hire a part-time officer Derek Slane. I think he will be a good fit for the village. He seems like a nice kid. He is younger. He is just out of the police academy. This is his first job. We are going to invest a lot in him to get him to where he needs to be, to where we are comfortable with him on the streets by himself.

Officer Campbell, who has been with us for three years, just left us to go to the Village of Sunbury.

Officer Curren is leaving us for the City of Grandview full time.

Last week the police department had to end its employment relationship with a full-time probationary police officer because of staffing issues. This officer was temporarily reassigned to work second and third shifts. Unfortunately, the officer refused to work these newly assigned shifts. He called off twice, with little notice, in direct conflict with our policies, and there were other discipline and concerns that developed over the past two months.

Visitors

Rachel Milligan, 46 E Waterview Dr.

I am here with my husband Paul and my neighbor Jennifer Whitman. I am looking for some more information on how, as a council, the expectation to communicate notice of public hearing is supposed to be circulated through the community. I know that we are looking at hiring a communications position to help spread that word but my concern is that it doesn't appear to really be happening currently. I just wanted to connect and see kind of what our plan is or if there is a way, I am happy to volunteer to help communicate those things. Especially with all of the

growth in the village that is taking place and a lot of public hearings, it sounds like the need for that is there.

Mayor Mathews said you are speaking specifically about the lots on Osage and Dublin.

Rachel said yes. I saw from the last available posted minutes were, at the time, were from December 13. I saw that it was the notice for the first public hearing. I have not seen any kind of public notice, of there being a hearing, whether it's in any kind of circulation digitally that might be around. I know the community is pretty active in our Facebook group. While that is not an official way of communication, especially from the village, but it is something as a resource that could be available. I know the Village Gazette is another resource that is circulated throughout the village. Even something as simple as a sign would do. My question is, is there public notice to the villagers, and if there is where can I find it. If there is not, how can we be circulating that to the community.

Mayor Mathews said first the agenda is posted here at the municipal building, Iacono's and the park by the PD. It is also placed on our website the Friday before a council meeting. He said as far as being personally notified. Brian, what is the rule to directly notify if there is a hearing, as far as neighbors are concerned.

Council member Isern said the Statute regarding public hearings for rezoning is in 1117.10 b. and it says that neighboring properties, as set out in the applicant's affidavit, shall be notified, served by first class mail, posted at least ten days prior to the date of the proposed hearing. That is for the public hearing that is held at the Planning and Zoning Commission. After that there is a public hearing at Council and Council shall establish a date for public hearing on the ordinance and the plan, giving notice in accordance with provisions of Section 1129.04 shall be set within 90 days after the receipt of the report from Planning and Zoning. Council sets a public hearing date for council on the same issue and how that is made public I am not sure.

Council Member Gates said that is on the agenda.

Rachel said I think, especially being new to the village, I know there are a lot of people who are new to the village, not understanding or being notified. Finding the agenda on the website is not easily accessible. Especially in terms of finding any notice of a public hearing. El Vaquero is my neighbor and I did not know that is where any kind of notice is posted. How can I help as a community member share the word that there are things like public hearings? I am sure, as council members, you would probably appreciate having a little more involvement from the community. Is there a better way to communicate with community members and I am willing to help share that also?

Mayor Mathews said hopefully part of this is taken up by advanced notice by the new public information officer. That is an effort to be more proactive in what gets out there. As far as announcing, and this is not an accusation, we have to rely on some personal responsibility. If someone is interested in what a public hearing is they can find the agenda. There is only so much we can do based on our budget, our means, our technology and we are trying as best we can to modernize.

Rachel said I would like to think I am a pretty self-reliant person in trying to find information and you said that wasn't meant to be accusatory. It was challenging to find that information, to have it readily available. I hope to be more involved going forward. I look forward to meeting everyone and I suspect I am not the only villager that has problems at being aware of information, especially as it pertains to notice of public hearings when it comes to rezoning a property.

Russ Baron said we are talking about two different things here. The notice of hearings, the notice of meetings, and notice of those kind of things are the number one job of the person we are looking to hire. They are going to make sure everything gets out, probably Facebook. The other side of the coin is, when something is being rezoned, our ordinance, and what we do is, Mark sends a certified letter to the adjoining property owners. I would not recommend we change that practice at all. That is set forth in the Ohio Revised Code. As far as personal notification for rezoning of a property or development of a property the same thing mirrors four of five different things that we do with our code or do things with commercial lots. The adjoining, touching neighbors, get notified personally. The PIO position, we are hoping, is going to fill that void via social media and maybe press releases.

Rachel said citizens have to be informed and engaged on their own. I am willing to do that but there is also a level of making sure, I know you are trying to do that through hiring of a new position, but right now, especially with all of the development that is happening in the area. Technically my property does not touch the property that is being redeveloped, but it certainly affects us. They turned the light off today but there have been lights shining into our house and I know Jennifer also has been dealing with that also.

Mayor Mathews asked, whose lights, Larry's?

Rachel said yes. They just turned them off. They are yellow lights that come into our bedroom and bathroom. This is not El Vaquero, this is this property. They have been turning them on and then tonight I noticed they were turned off. There are things happening at that property that are actively affecting us. Especially when it comes to building and businesses, we are definitely excited about the opportunity that the Wine Snob presents but we just want to make sure that we are aware of everything that is being considered. We are not going to be able to come to every council meeting every other week, but knowing which ones, when there is information that is specifically affecting us and our property, those are ones we absolutely want to make sure that we are at. Really having the ability and the accessibility to that information is so important. I am happy to help volunteer in some way to help solve.

Council member Gates said I have posted for several years now on Nextdoor, the minutes and then now the videos. I get that right from our website. It is a two-step process to get to the meeting minutes and the meeting videos. Usually our meetings have been running about half an hour. The legislation is usually a first reading, a second reading and a third reading. There is plenty of time for people to have their input on the issues. I would encourage people to do that. If you go to our website, under government, then under council, you will find the approved meeting minutes and the meeting videos. I am sure Facebook picks up some of that also. If you are any way techy and you think there might be a way to more directly see that.

Rachel said you can go through mail chimp or something like that right on your website.

Shirley said we have mail chimp already. I do not put notices out through that.

Council member Gates said there is some constant comment that it is hard to find anything on our website. I don't know if it's because everyone wants everything on the front page or not.

Rachel said I have seen sandwich boards in other municipalities that say a rezoning hearing is being held. You can also have a QR code and that is something that takes you directly to a website. You want to make it as easy as possible to get that information out to the residents.

Communications

Mayor Mathews said just as a public service announcement. We have rearranged our seating and we have put the podium back and we will ask you to use the podium and get your faces on the TV. This is the village council meeting so this is the business meeting of the council so if you would like to speak, if you have questions, fill out a form like Rachel did and we will just run more efficiently that way.

I have traded emails with the new land owner at Shawnee Square. This week I swore in Derek Slane. He is an impressive kid. The whole family was there. He had a friend drive in from New Jersey to see this swearing in. I welcome him to the village and I hope he does very well.

Committee Reports

Council member Matney said Finance met tonight. She was elected Chair and Mary was elected Vice Chair. We discussed increasing Russ's credit card limit. There are certain times of the year where some his recurring charges are due and occasionally a large purchase may be needed and we didn't want him to be in a pickle and not be able to make that purchase. We agreed to raise his credit card limit to \$5,000.00. Shirley did a recap of the 2021 budget and projections for 2022. RITA revenue was up \$24,000.00 over her estimates from last year so that is a good news story and property taxes were up \$17,000.00. We are in a decent place in our budget. Shirley also shared with us that the State legislature had made some changes during COVID allowing people to work from home and their employer still withholding for where the place of business was located. That has ended at the end of 2021 so we return to the former rule of tax withholding where you withhold for where the employee is actually working.

We discussed Russ's position as Village Administrator. We brought him on over six months ago and when we brought him on in that position we were paying him a lower rate than what we had paid the previous paid our previous village administrator. We pay Russ \$19.00 per hour versus the rate of \$25.00 per hour that we paid the previous administrator. They were working approximately 30 hours a week. Russ has been very successful in this position and doing really great things so we agreed to bump him up to that \$25.00 per hour raise. You will see legislation about that in the future. He has been working 5 to 10 hours a week. Overall, we are saving a substantial amount of money having Russ do the Police Chief and Administrator duties.

Back in December we had Santa in the Village and the normal Santa was ill and not able to perform that. Carol Kender was able to find a Santa fill in and the cost was \$525.00. She asked if the village would be able to pay for half of that and we agreed to split the cost with the Chamber.

Legislative Actions

Third Reading – Ordinance 20-2021 – An Ordinance to amend the zoning district map of the Village of Shawnee Hills, Delaware County, Ohio by rezoning parcel numbers 600-432-22-022-000 and 600-432-22-028-000 from Single-Family District (R-2) to the General Commercial District (GC).

It was moved by Isern, seconded by Zimmerman to adopt Ordinance 20-2021. Following vote on the motion is recorded: yea, 5; Gates, Isern, Matney, Thatcher and Zimmerman. Motion passed.

Third Reading – Ordinance 21-2021 – An Ordinance to amend the zoning district map of the Village of Shawnee Hills, Delaware County, Ohio by rezoning parcel numbers 600-432-023-000, 600-432-22-024-000, 600-432-22-025-000, 600-432-22-026-000, and 600-432-027-000 from the Community Commercial District (CC) to the General Commercial District (GC).

It was moved by Thatcher, seconded by Zimmerman to adopt Ordinance 21-2021. Following vote on the motion is recorded: yea, 5; Gates, Isern, Matney, Thatcher and Zimmerman. Motion passed.

First Reading – Ordinance 02-2022 – An Ordinance amending Section 1519.04 (B) (Fireworks – Possession, Sale or Discharge Prohibited; Exceptions) of the Village of Shawnee Hills Codified Ordinances

First Reading – Ordinance 03-2022 – An Ordinance confirming the Mayor’s Appointment of Derek Slane as a part-time Police Officer for the Village of Shawnee Hills and declaring an emergency.

It was moved by Gates, seconded by Isern to suspend with the second and third readings and declare Ordinance 03-2022 an emergency. Following vote on the motion is recorded: yea, 5; Gates, Isern, Matney, Thatcher and Zimmerman. Motion passed.

It was moved by Matney, seconded by Thatcher to adopt Ordinance 03-2022 as an emergency. Following vote on the motion is recorded: yea, 5; Gates, Isern, Matney, Thatcher and Zimmerman. Motion passed.

Bills

It was moved by Matney, seconded by Isern to approve the bills in the amount of \$32,406.44. Following vote on the motion is recorded: yea, 5; Gates, Isern, Matney, Thatcher and Zimmerman. Motion passed.

Treasurer’s Report

It was moved by Thatcher, seconded by Isern to approve the following treasurer’s report:

General	128,899.70	Weed	3,157.30
Street	368,912.92	TIF	58,580.57
State Highway	24,631.46	TIF 2	17,366.65
PD Body Armor	810.52	Police District Fund	175,147.27

Drug Law Enfct.	534.41	Veteran's Memorial	248.97
Indigent Driver	385.84	Sewer Operating	38,756.81
Law Enfct. Trust	6,980.72	Sewer Replacement	13,211.08
Enfct. and Education	1,220.85	Storm Sewer	12,565.74
Fire Levy	74,992.20	Debt Service	92,232.27
American Rescue Plan	42,725.19		

For a total of \$1,061,360.47

Following vote on the motion is recorded: yea, 5: Gates, Isern, Matney, Thatcher and Zimmerman. Nay, none. Motion passed.

Adjournment

There being no further business, it was moved by Isern, seconded by Matney to adjourn. Following vote on the motion is recorded: yea 5; Gates, Isern, Matney, Thatcher and Zimmerman. Nay, none. Meeting adjourned at 7:40 p.m.