

Village of Shawnee Hills Council Meeting Minutes

July 8, 2019

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

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

Also Present: Fiscal Officer Shirley Roskoski, Administrator Craig Thompson and Solicitor Brian Zets

Minutes

It was moved by Matney, seconded by Hanna to adopt the minutes of July 8, 2019 with the following amendment: on page 8, second paragraph change the word *out* to *our*. Following vote on the motion is recorded: yea, 4; Gates, Hanna, Matney and Thatcher. Nay, none. Abstain, 1; Mathews. Chair declared the motion passed by a 5-0 vote.

Agenda

It was moved by Hanna, seconded by Gates to approve the agenda. Following vote on the motion is recorded: yea, 5; Gates, Hanna, Mathews, Matney and Thatcher. Nay, none. Chair declared the motion passed by a 5-0 vote.

Solicitor

Brian said we had Mayor's Court on June 26. It was simple and straightforward. A couple of zoning issues came up from Mark and we worked on those. I spent a lot of time, especially today, working on that annexation agreement which you will be taking up later in the meeting. If you have any questions about it we should probably just wait until executive session. Then we will have the actual discussion in the open session.

Village Administrator

Craig gave the following report:

Vacant Building Ordinance - We still have one outstanding notice on that and it expires July 20. We have already sent a reminder notice to the owner to let them know that it will be expiring and that they need to register their building according to the ordinance.

Connector Path – I updated the UST committee today with some of the work we have been doing on that including some discussions with Delaware County regarding alignment.

O'Shaughnessy Crossing- Discussed the storm water easement with the UST committee our need to go across the City of Columbus property for the thirty-six inch storm water and the amount of that fee that will be charged by the City of Columbus.

Phase two sign replacement- We are almost done with that. Seven signs have been replaced and two signs are remaining.

Communications

Mayor Monahan gave the following report:

As I have stated in the past; If you want to know what happened, please read the minutes;

The statement in the July gazette. *In a separate discussion*, was incorrect. = "So the solution would be for some lots in Shawnee Hills to be annexed into Concord Township".

That statement is incorrect.

Mayor's Report

Mayor Monahan gave the following report:

JUNE 2019 MAYOR'S COURT REPORT

RECEIPTS

\$ 435.00 Total receipts

Disbursements

\$112.50 Treasurer, State of Ohio

\$4.50 HB 562 IDAT Fund

\$288.00 General Fund

\$30.00 Computer Fund

Erik Spaulding

Mayor's Court Clerk

On 7-1 I sent the below email to Sheila Hiddleston at The Delaware Health District:

basement wo house full of water on South Park

[Pat Monahan](mailto:pat.monahan@shawneehillsoh.org)<pat.monahan@shawneehillsoh.org>

To Shelia Hiddleson, dan.mathews@shawneehillsoh.org

Hi Sheila, I hope all is well!

I was talking with neighbors yesterday and was asked what can be done with a lot on South Park, directly North of Buckeye Dr, on the South side of South Park, that has a basement without a house above it, that is sitting full of water. This is a danger on many levels. The obvious, an 8 ft pool without a fence that could easily result in a drowning. The other the mosquito breeding pond. I would appreciate if The Health Dept. would examine the property and take appropriate action = fill in??

Two other things, can our Village ponds have larvicide put in all of them?

Also can the 1st 2 properties on the North side of Mohican be inspected for any health violations?

Thanks for your help Sheila!

Pat

Sheila came back to me and let me know they will be looking into this.

Pro Tem Report

Pro Tem Mathews said we have had lunches and meetings about this economic development that we will discuss tonight. I do think that this is probably one of the more important decisions that I have made in eight years. I do think it is very important and I will echo Pat too. It was news to me because I was not here at the last meeting. It was news to me that we were annexing lots to Concord. I don't think that was the intention or it was discussed any time in the minutes.

Committee Reports

Council member Thatcher said UST met prior to this meeting. Craig touched on most of it. We are moving forward on the connector path project. They are some things we are working out with Delaware but we are moving forward. The OPWC storm water grant has been signed and sent back to them. We are waiting on the

street repaving program to hear when they are going to schedule it. We also talked about having to purchase a storm sewer easement for the O'Shaughnessy Crossing project.

Council member Gates said that Planning and Zoning met at 6:30 on June 25, 2019. Before us was one request for rezoning 4 parcels on the west side of Dublin Road, belonging to Ohio Landscaping and across the street from Ohio Landscaping's building. The property is being used as a parking lot and is currently zoned R-2. Their request is for the property to be rezoned to General Commercial.

Due to several owners that about the property having questions about the eventual use of the property under General Commercial and the owners of the property or their representatives not being at the meeting, it was agreed that the issue be voted on as is. All voted "no" which causes the process to be restarted. The owners will need to refile.

Legislative Actions

Third Reading- Ordinance 21-2019- An Ordinance vacating the unimproved Ridge Drive right-of-way, east of Westview Drive. It was moved by Thatcher, seconded by Gates to adopt Ordinance 21-2019. Following vote on the motion is recorded: yea, none. Nay, 5; Gates, Hanna, Matney, Mathews and Thatcher. Chair declared the motion failed by a 5-0 vote.

Second Reading- Ordinance 22-2019- An Ordinance amending Section 1313.05(B) of the Village of Shawnee Hills Codified Ordinances

First Reading- Ordinance 23-2019- An Ordinance confirming the Mayor's appointment of Ryan Campbell as a part-time police officer for the Village of Shawnee Hills and declaring an emergency. It was moved by Thatcher, seconded by Gates to suspend with the second and third readings and declare Ordinance 23-2019 an emergency. Following vote on the motion is recorded: yea, 5; Gates, Hanna, Mathews, Matney and Thatcher. Nay, none. Chair declared the motion passed by a 5-0 vote. It was moved by Hanna, seconded by Matney to adopt Ordinance 23-2019 as an emergency. Following vote on the motion is recorded: yea, 5; Gates, Hanna, Mathews, Matney and Thatcher. Nay, none. Chair declared the motion passed by a 5-0 vote.

First Reading- Ordinance 24-2019 – 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, 2019 and declaring an emergency. It was moved by Gates, seconded by Hanna to suspend with the second and third readings and declare Ordinance 24-2019 an emergency. Following vote on the motion is recorded: yea, 5; Gates, Hanna, Mathews, Matney and Thatcher. Nay, none. Chair declared the motion passed by a 5-0 vote. It was moved by Hanna, seconded by Thatcher to adopt Ordinance 24-2019 as an emergency. Following vote on the motion is recorded: yea, 5; Gates, Hanna, Mathews, Matney and Thatcher. Nay, none. Chair declared the motion passed by a 5-0 vote.

First Reading- Ordinance 25-2019 – An Ordinance to grant variances to the provisions of the Shawnee Hills Code Section 509.09 to allow applicants Susan Lehman and Keith Brock to deviate from time and volume standards for their wedding and declaring an emergency.

Second Reading- Resolution 12-2019 – A Resolution that the Village of Shawnee Hills host a village wide picnic in the fall at the pavilion.

Executive Session

It was moved by Mathews, seconded by Thatcher to move to executive session pursuant R.C. 121.22(G)(8) to consider negotiations with another political subdivision respecting a request for economic development assistance, and the information is directly related to a request for economic development assistance that is to be provided or administered under ORC Chapter 715. Council also determines this session is necessary to protect

the possible investment or expenditure of public funds to be made in connection with an economic development project. To invite in Brian, Craig and Shirley and Council. Following vote on the motion is recorded: yea, 5; Gates, Hanna, Mathews, Matney and Thatcher. Nay, none. Chair declared the motion passed by a 5-0 vote.

It was moved by Mathews, seconded by Hanna to return to our regular meeting. Following vote on the motion is recorded: yea, 5; Gates, Hanna, Mathews, Matney and Thatcher. Nay, none. Chair declared the motion passed by a 5-0 vote.

First Reading- Resolution 15-2019- A Resolution authorizing and directing the Village Administrator and Fiscal Officer to execute an annexation agreement with Concord Township and declaring an emergency.

Brian said I will start and lay the groundwork. Council, you had talked at the last meeting on the 24th about things that you wanted to see in the agreement with respect to the sewer expansion area and whether that should be in the permitted annexation. After that meeting I took the version I had that Rob Platte had sent me and I made those changes. Just this past Friday I got a revised version from Rob Platte so this morning I made changes to the latest version and that is the actual version that is attached to the legislation before you tonight. With that version is attached to the legislation there is basically one area that we are not talking about and that is the permitted annexation area. The legislation and the agreement that you have before you, the permitted area includes everything within the village, anything that is currently owned by the City of Columbus that is contiguous to the village and the entire area that is included within the Columbus/Shawnee Hills sewer expansion area. What you have before you, that is the permitted territory that would allow annexation and Concord would not be allowed to oppose it in any way. In fact they are agreeing that annexation is allowed in that area. If a parcel were to be outside of that permitted area it would not be allowed to be annexed. You could not accept it, you could not pass a service resolution, nothing could happen with an area outside of the permitted territory.

Council member Mathews said what if someone in the Columbus expansion service area wanted to annex. We would have to say no.

Council member Hanna said he is saying outside the expansion area.

Council member Mathews said let's say we pass this as Concord's proposal. We took this map (provided by Concord Township) and somebody in Lucy Depp came and said we want to annex. What would we actually say to them? Because now we have two contracts, right? Whose is right?

Brian said actually the Columbus one is. Legally you can't enter, I don't want to bore you with all the details.

Council member Mathews said can we sign this proposal and then when someone comes in and does it they say what are you doing.

Brian said I would say no because you have an agreement with the City of Columbus that people have to annex into the village if they want to connect to our sewers.

Mayor Monahan said so what we are really saying is we must adhere to the Columbus contract.

Brian said correct.

Mayor Monahan said so when we do this that is one of the things that we have to adhere to anyway so that does change their map a little bit.

Brian said yes it reverts to what council talked about at the last meeting.

Mayor Monahan said what other things were in there. I know we talked about the ten-year aspect.

Brian said there were several ways that the annexation agreement could be terminated. One is if both parties agree to terminate it. The other would be if the Evans Farm JEDD never materialized. The third way is if the village was not part of three additional JEDD's within the next ten years. Again, that is driven by Delaware County. They are basically asking the village to be included in. The version I got from Rob Platte this morning had ten years and in my version I backed it down to five. You might want to consider just bumping it back to ten if you want.

Council member Mathews said to Brian, your comment on that is it doesn't matter, it is Delaware County's decision anyways.

Brian said that's true.

Dan said so all of these things don't hold water anyways.

Brian said I wouldn't say they don't hold water but you have no way to control things. You are signing an agreement with Concord so in year eleven you are not part of three JEDDs including Evans Farms you could say the annexation agreement is negated. There is no way to force Delaware County to make you part of another JEDD ever even with this agreement. They are the ones creating the JEDD and they are the ones that need partners.

Council member Mathews said let's say we go into this agreement and nothing else materializes, we've been collecting money from Orange Township (Evans Farm JEDD) for fifteen years now and we cancel this. Would the Evans Farm JEDD be cancelled at that point too?

Brian said no because the Evans Farms JEDD will have Delaware, Concord and the Village as an agreement. He said the Concord agreement has nothing to do but the annexation. You are just basically defining where you will and will not accept annexation from Concord Township. It is a way for Concord to limit where you are and not have them swallowed up. It has nothing to do really with the JEDD. It does in a way because Concord will only sign the JEDD if you sign this annexation agreement but if the annexation agreement just basically throws itself out you still have the Evans Farms JEDD because it has been signed to by all parties. So in year eleven it will be open season on annexations unless they come back to you with the same agreement.

Mayor Monahan said this agreement covers everything shaded in gray be it within in our boundary or owned by someone else. In our drawing that we have, I know we have a bit of a question on Dublin Road.

Dan said this is Rob Platte's map.

Brian said don't look at Rob's Platte's map. Rob's map did not include the south side of Dublin Road or Glick Road but it will be included in that. The map Chris Tebbe created this morning has those areas included.

Council member Thatcher said and that is the map we are basing our decision on.

Brian said correct, the one that Chris Tebbe created is the one that you had talked about on the 24th.

Council member Thatcher said that we need to incorporate the things that we talked about.

Brian said there is a chance that you send this back and Concord could say no it's our agreement or nothing.

Council member Hanna asked if we should show Concord our service agreement with Columbus that shows that annexation has to happen for sewers.

Brian said he will get that from Chris.

It was moved by Mathews, seconded by Matney to revise Brian's version to read three JEDDs in ten years. Following vote on the motion is recorded: yea, 5; Gates, Hanna, Mathews, Matney and Thatcher. Nay, none. Chair declared the motion passed by a 5-0 vote.

It was moved by Hanna, seconded by Gates to suspend with the second and third readings and declare Resolution 15-2019 an emergency. Following vote on the motion is recorded: yea, 5; Gates, Hanna, Mathews, Matney and Thatcher. Nay, none. Chair declared the motion passed by a 5-0 vote.

It was moved by Thatcher, seconded by Hanna to adopt Resolution 15-2019 as an emergency. Following vote on the motion is recorded: yea, 5; Gates, Hanna, Mathews, Matney and Thatcher. Nay, none. Chair declared the motion passed by a 5-0 vote.

Bills

It was moved by Matney, seconded by Hanna to pay the bills in the amount of \$31,620.54. Following vote on the motion is recorded: yea, 5; Gates, Hanna, Mathews, Matney and Thatcher. Nay, none. Chair declared the motion passed by a 5-0 vote.

Treasurer's Report

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

General	246,823.45	Fire	33,902.14
Street	193,465.39	Weed	4,181.52
State Highway	17,910.72	TIF	8,215.65
Parks and Recreation	.00	TIF 2	45,624.81
PD Body Armor	.40	Veteran's Mem	248.97
Cont. Prof. Training	3,102.66	Sewer Oper.	68,382.15
Drug Law Enf.	34.41	Sewer Repl.	167,259.87
Indigent Drivers	385.84	Storm Sewer	7,591.26
Enfct. and Education	1,195.85	Debt Service	222,851.25
Mayor's Court Comp.	2,270.14		

For a total of \$1,023,446.48.

Following vote on the motion is recorded: yea, 5; Gates, Hanna, Mathews, Matney and Thatcher. Nay, none. Chair declared the motion passed by a 5-0 vote.

Adjournment

There being no further business, it was moved by Thatcher, seconded by Hanna to adjourn until July 22, 2019. Following vote on the motion is recorded: yea, 5; Gates, Hanna, Mathews, Matney and Thatcher. Nay, none. Chair declared the motion passed by a 5-0 vote.