

Village of Shawnee Hills Council Meeting Minutes

February 11, 2019

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

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

Also Present: Fiscal Officer Shirley Roskoski and Administrator Craig Thompson

Minutes

It was moved by Thatcher, seconded by Gates to approve the minutes of January 28, 2019. Following vote on the motion is recorded: yea, 6; Gates, Hanna, Mathews, Matney, Stacy and Thatcher. Nay, none. Chair declared the motion passed by a 6-0 vote.

Agenda

It was moved by Matney, seconded by Hanna to approve the agenda. Following vote on the motion is recorded: yea, 6; Gates, Hanna, Mathews, Matney, Stacy and Thatcher. Nay, none. Chair declared the motion passed by a 6-0 vote.

Village Administrator

Craig Thompson gave the following report:

- Staff continues to work on amending the Blight Ordinance. I hope to have a draft completed during the week of February 11th. We will focus our efforts on repeat offenders, items left out for sale, and the accumulation of miscellaneous items outside creating blight or a nuisance.
- In the month of January, 2019, 182.5 person hours and 15 tons of salt were deployed for snow removal.
- Polling location at Village Hall. Building assessment was conducted by Delaware County Board of Elections on Thursday, February 7. Shirley has been coordinating this project. The Board of Elections will be meeting tomorrow to decide whether to use our facilities as a voting place or not.
- Vacant Building Ordinance. Five letters to vacant building owners were sent out. We have received the registration form and fee from three. One is exempt for a period of seven months because it is for sale. One was re-sent certified.
- OPWC Grant Application. Our OPWC grant application (Glick Road Storm Water) was rated #2 in the OPWC District out of all of the small government [villages and townships with populations in the unincorporated areas of less than 5,000 in population] applications.

Visitors

Robin Fellure said I gave everyone my document. I don't know if you need me to go through it word by word, if everyone has had a chance to read it but I just want to sum up basically what I am here about. I am here on behalf of Shawnee Hills Pet Grooming who is going to be the new occupant of the civic building at 36 W. Mohawk. I am here to talk about the fence restrictions and basically what I have tried to provide you, after going through the codified ordinances for Shawnee Hills, are the documents that pertain to fences. What I feel like I have discovered is that I do not see anywhere in the documents that a pet grooming salon is named specifically, that they have to get a conditional use to put up a fence. There is currently a split rail fence on the east side of the building and we would like to put up a solid six foot fence on that side of the building. This will be for the safety of taking the animals out to go to the bathroom while they are there during business hours of Monday through Friday, during the day, when most people are not home, to go to the bathroom. The way I look at this, I do not feel that building this type of fence should require a conditional use and the extra expense of that. If I was a resident and I wanted to put a fence on my property I would not need to ask for that so what is the difference for putting a fence on this commercial property and doing something on a residential property when I know and probably some of you are very well aware, there are many dogs around us and they bark at all hours of the night and you just sort of let it go. I do not believe that there is going to be any issues with this. We are surrounded by commercial properties. There is nothing residential close to where this fence is going to be. There is always going to be somebody out there with the animals because it's the safety of the animals that we are trying to protect. The final thing I would like to mention is that for the last three years this business has been operated out of my home in a residential district as a home occupation, which is permitted, and we have not had one problem with anybody complaining about animals barking. I will be glad to answer any questions you have.

Council member Hanna asked you need a conditional use because it's a commercial property?

Robin said that's what the code states. The village code states that I would be putting in a dog run and I disagree with that. This is not a dog run, this is a fence. A dog run is a chain link fence as I have provided pictures of, when you Google it. What we want to put up is not a dog run, it is a fence. I don't see what the difference is between doing it there or at my own home.

Council member Thatcher asked if this was similar to what is behind the hearing aid place.

Robin said absolutely.

Council member Thatcher asked did they have to get a permit.

Robin said no.

Mayor Monahan said I think you are mixing commercial and residential. The problem is if you don't go to get a variance because of all the contributing factors. I think it wouldn't be a problem if somebody was out walking that dog but to leave a dog out the whole time. If you took Shoppes of Shawnee where the doggie day care is. If they were allowed to do the same thing down there without having to go for a variance I would hope we would never allow somebody to leave dogs

out back there barking away. I think your surroundings would be so you would be granted a variance. We had some of the same issues when the animal hospital came in because they had to put a sound proof room in for overnight stays and they weren't allowed to just let the dogs out like that. I understand going for a variance.

Robin said I agree with you on all those aspects when it came to the vet place as there were overnight animals staying. We are not going to have that and when it comes to the dog place down here, the day care place, they back up to residential property, we do not. I think that we are unique in that and I would like to challenge you to show me in the code where it states that a dog grooming business has to go through a conditional use to put up a fence because it does not. It specifically names a vet clinic but it does not mention a dog grooming place. I think it is ridiculous that we have to do that, in my opinion. That is what I am here about tonight.

Mayor Monahan said maybe it should be put in the code but effectively I would be very upset, I understand where you sit, if I was voting on a variance for that I probably would be okay with it. If somebody decided to do one down here, I think it would be a real obstruction. I think that's the reason variances exist.

Robin said it's a conditional use but it's still an expense that we are not prepared to do and I just don't see where the code tells me I have to do that. That is what I am challenging, the code. I have been told I need to do this and I don't see where it is specifically written that I need to do this. That is why I am here tonight before council.

Council member Hanna said so you are trying to avoid the cost of the variance. Which is what?

Robin said absolutely. It is \$350.00. I totally agree with paying a fence permit. Going with the landscaping against the parking lot as the code states, those kind of things but I just don't agree that there is proof in this code that states that I need to go to a conditional use hearing to do this.

Council member Stacy said I understand what you are saying when it doesn't specifically say dog grooming places but under H., under conditional uses, it does say any other retail business or service establishment.

Robin said it does state that but under permitted uses it says: commodities or performing services primarily for residents of the neighborhood. There is a conflict there.

Mayor Monahan said I would say it's a Brian question. But I will tell you I think it is going to require a variance. I would fight that just on the basis, and this isn't personal by any means. There was a thing said tonight in UST when Rob said it doesn't mean the Patridges will always be what they are today. This building could be a dog grooming business and there could be a kennel with residences right behind it. I don't think that's fair. I think we have to take it to Brian and ask him what would have to be done.

Robin asked how quickly can that be done. This business is opening up April 1.

Mayor Monahan said I guess until that time they will have to walk the dogs the same as they have to do down there.

Robin said it's the safety of the animals I want to put out there. If that animal would break loose from that leash we are right here on Dublin Road and does this council want to be responsible for anything that could happen.

Mayor Monahan said I don't think it is a question of us being responsible for it.

Robin said if you deny me it is.

Mayor Monahan said what are they going to do down at the other place.

Robin said that is not my responsibility.

Mayor Monahan said but it is ours. We could set a precedence here that would carry down there.

Robin said I do not think a precedence occurs in this. There is no precedence when it comes to a variance or a conditional use. I have been in this business for many years and there is not a precedence being set here. I am just asking for it to be treated fairly according to the code that I have presented to you tonight.

Mayor Monahan said we will take it to Brian and see what he says.

Robin said okay.

Brittany Zoecklein, Delaware General Health District, said I wanted to introduce myself to council, as I will be the Village's subdivision partner along with Shelia Hiddleson. I will be coming to the meetings when she is not able to attend. I thought this might be the best place for me because I am the inspector around this area for food facilities, pools, schools, etc. A couple of updates, we did roll out our CHIP program (Community Health Improvement Plan) at the health department. I brought some stuff with me today to kind of describe what it is and what's in it. Some other things to let you know about. We are working on community profiles for each subdivision so we will be asking some questions. The goal of the project is to gather and distribute local data and these profiles are going to include data on health, community and demographics. On October 12th there will be an electronics and tires collection event at the Delaware County fairgrounds from 9:00 a.m. until 1:00 p.m.

I am also reminding you of the District Advisory meeting on March 14th at 6:45 p.m., refreshments at 6:15 p.m.

She said you can always check out your food inspections on line as well as pools.

Communications

Mayor Monahan gave the following report:

I do ask that Craig and Mark continue the Code Enforcement notifications. I also especially ask that we focus on those measures to rectify repeat offender infractions.

We recognize that The Vacant Property (Business and Residential) 90 day notification was realized January 10th and effective yesterday for 1 month. We need to approach these offenders as a Community. That was the reason I asked for the Chamber's help, to work together, as we had in years past, to advance the businesses and the Community.

The last community event, the chili cook off was held in the Civic bldg. on Feb 2nd. I want to recognize the Shawnee Hills Civic as a great Community partner. My hope is that the vast member of the community participates in Civic activities going forward. A special thanks to Robin Fellure and the Civic board for all their Community work throughout the years!

Mayor's Report

Mayor Monahan gave the following report:

January 2019 Mayor's Court Report

RECEIPTS

\$975.00 Total receipts

Disbursements

\$217.50 Treasurer, State of Ohio

\$4.50 HB 562 IDAT Fund

\$693.00 General Fund

\$60.00 Computer Fund

Erik Spaulding

Mayor's Court Clerk

We have an ABR meeting concerning the new build of the Wine Bistro on February 21st.

As of today, we do not have a Planning and Zoning meeting this month.

Pro Tem Report

Pro Tem Mathews said I want to commend Delaware County from turning over the Liberty Township EMS

Committee Reports

Council member Thatcher said UST met tonight and I was elected Chair and Jeff Stacy is Co-Chair. We talked about the grant and in addition Craig was letting us know about the status of the easements on Shawnee Trail and Glick Road that we will potentially need for the connector. We also touched upon the extra lanes for the businesses and we went over the snow removal and how much salt we were using and we are still on track to get our road bids out early this year.

Legislative Actions

Third Reading- Resolution 01-2019- A Resolution to approve the Delaware-Knox-Marion-Morrow Joint Solid Waste Management District's amended draft Solid Waste Management Plan. It was moved by Thatcher, seconded by Matney to adopt Resolution 01-2019. Following vote on the motion is recorded: yea, 6; Gates, Hanna, Mathews, Matney, Stacy and Thatcher. Nay, none. Chair declared the motion passed by a 6-0 vote.

Second Reading- Ordinance 03-2019- An Ordinance amending Sections 1 and 2 of Ordinance 34-2017, adopted on December 11, 2017 thereby creating one (1) new part-time Police Officer position with the police department. It was moved by Mathews, seconded by Hanna to suspend with the third reading and declare Ordinance 03-2019 an emergency. Following vote on the motion is recorded: yea, 6; Gates, Hanna, Mathews, Matney, Stacy and Thatcher. Nay, none. Chair declared the motion passed by a 6-0 vote.

It was moved by Thatcher, seconded by Mathews to adopt Ordinance 03-2019 as an emergency. Following vote on the motion is recorded: yea, 6; Gates, Hanna, Mathews, Matney, Stacy and Thatcher. Nay, none. Chair declared the motion passed by a 6-0 vote.

First Reading- Ordinance 04-2019- An Ordinance to amend Section XI, Maximum Credit Limits, of the Village of Shawnee Hills Credit Card Policy contained in Section Four of the Village of Shawnee Hills Employee Handbook and declaring an emergency. It was moved by Thatcher, seconded by Mathews to suspend with the second and third readings and declare Ordinance 04-2019 an emergency. Following vote on the motion is recorded: yea, 6; Gates, Hanna, Mathews, Matney, Stacy and Thatcher. Nay, none. Chair declared the motion passed by a 6-0 vote.

It was moved by Gates, seconded by Hanna to adopt Ordinance 04-2019 as an emergency. Following vote on the motion is recorded: yea, 6; Gates, Hanna, Mathews, Matney, Stacy and Thatcher. Nay, none. Chair declared the motion passed by a 6-0 vote.

Bills

It was moved by Hanna, seconded by Thatcher to approve the bills in the amount of \$28,970.73. Following vote on the motion is recorded: yea, 6; Gates, Hanna, Mathews, Matney, Stacy and Thatcher. Nay, none. Chair declared the motion passed by a 6-0 vote.

Treasurer's Report

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

General	167,993.17	Fire	25,426.82
Street	146,861.38	Weed	6,710.95
State Highway	16,685.91	TIF	11,812.50
Parks and Recreation	3.02	TIF 2	34,529.13
PD Body Armor	.40	Veteran's Mem	248.97
Cont. Prof. Training	3,102.66	Sewer Oper.	55,043.59
Drug Law Enf.	34.41	Sewer Repl.	176,499.87
Indigent Drivers	385.84	Storm Sewer	8,143.51
Enfct. and Education	1,195.85	Debt Service	178,462.60
Court Computer	2,520.14		

For a total of \$835,660.72.

Following vote on the motion is recorded: yea, 6; Gates, Hanna, Mathews, Matney, Stacy and Thatcher. Nay, none. Chair declared the motion passed by a 6-0 vote.

Adjournment

There being no further business, it was moved by Hanna, seconded by Stacy to adjourn until February 25, 2019. Following vote on the motion is recorded: yea, 6; Gates, Hanna, Mathews, Matney, Stacy and Thatcher. Nay, none. Chair declared the meeting adjourned at 7:31 p.m.

Fiscal Officer

Mayor