

Village of Shawnee Hills Council Meeting Minutes

August 27, 2018

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, Administrator Steve DeBolt and Solicitor Brian Zets

Minutes

It was moved by Matney, seconded by Thatcher to approve the minutes of August 13, 2018 with the following amendment. On page 6, second paragraph remove the second it. 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 Hanna, seconded by Stacy 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.

Solicitor

Brian said I worked with Mark on a few different zoning issues. I also worked on temporary signs and the sign code for planning and zoning tomorrow night. The sign code is going to take a lot of work but we will try to work our way through some of the code. I had a couple of criminal cases up in Delaware and those should be taken care of this week, hopefully.

Village Administrator

Steve DeBolt gave the following report:

- The County Trail Committee recommended to County Commissioners that 2018 awarded projects including the Villages' Connector Path be appropriated in 2019 and be spent by 9/31/2019. This extension would accommodate the need to have the project put back out to bid next year with hopefully better prices than what we received this year. They also recommended a second round of funding up to \$100K be funded for the Trail Assistance program with applications due 1/31/19.
- Village Engineer Chris Tebbe and I are proceeding with preparing the grant application to submit for Ohio Public Works Commission(OPWC) funding for a storm water project on Glick Rd. We will have authorizing legislation for Village Council to consider at the next Council meeting. The grant is due October 5th. The price is going to be in the sixty to seventy-thousand-dollar range. They usually request a ten to twenty percent matching fund

from the locality so the more we contribute the better chance we have of getting the grant. This is all point based.

- I hired Decker Construction at a cost of \$2600 to pave over the areas needed after pipe replacements earlier this year on West View Dr. and E. Canoe. Original plan was to include in this year's street paving program but it was delayed until next year due to the high bid amounts.
- At the Mayor's request, I contacted Delaware County Health Dept. about treating larger standing water areas in the Village with Larvicide to prevent Mosquito's. The County did so on three public areas and two private ponds with property owner permission. There was no charge for the service.
- We are still in negotiations with two property owners for easements of local projects.
- Code Enforcement Officer, Mark Katzenbach, has sent out a number of notice of violation letters recently regarding properties that are not being kept up to Village standards. Also, residents are reminded to keep grass and bushes they own cut and trimmed accordingly.
- The Village recently acquired two new copiers for Village Hall and the Police Dept. If anyone is interested in purchasing two used ones at a reasonable cost, please contact Village Hall.
- The new swinging bench has been installed at the park and is available for use. This completes this year's park improvement which included two new benches, new juvenile swings and addition of adult swings, new sod/grassed areas, refurbished rubber mulch in the playground area, and additional landscaping. Hope you get a chance to enjoy these new Village Park amenities and join us there for the Village Picnic on Sunday, September 30th from 1:00-4:30pm.

Police Chief

Chief Baron said we attended the Delaware County Law Enforcement Executives meeting. I attended the EMA Executive Committee meeting. I am on the executive board and I represent all the villages in the County on the EMA Executive Board. Occasionally I have to travel to different council meetings and talk to them. We had an officer attend the Drive Sober-Get Pulled Over campaign kickoff event over at Powell Police Department. Some of our officers attended the Delaware County Cop Car Cruise In on the first Friday. An officer attended the Olentangy/Berlin touch a truck that coincided with the opening of the new high school and a parade.

The end of the summer kicks off training season for us. We have officers attending various different trainings. We are attending the Attorney General's Conference again this year and we have officers attending every single session that is available and we bring that info back to fill in the officers. Supervisors are mandated to take one leadership course annually. We are going to conduct an in-service training course for tactics for traffic stops and searches. All the officers have successfully qualified for 2018.

We are going to do the trick or treat tailgate again this year.

Friday, October 5th at 6:30 p.m. we will have a bonfire behind the police department. It was suggested at the community advisory board to have a coffee with a cop or something like that. We couldn't find anywhere suitable that was willing to work with us on that event so we decided

on the bonfire behind the police station. We will have cider and the officers will be available to talk to the residents.

We will do the child ID kits at the village picnic.

October 13th we will be at the Concord Township Fire open house and also the Concord Township Fire open house is 4:00 p.m. on October 13th.

The softball game will be scheduled in September.

Officer Moeller was given a conditional offer of employment by Columbus Fire. We knew he was in the process when we hired him. He will be leaving us around the first of the year. He is going on a one-year deployment overseas with the Army in February and he wants to remain an auxiliary officer here when he comes back.

Sergeant Antalocy will be leaving us in two weeks. She took a position outside of law enforcement. She expressed that this move is solely based on the rate of pay and the ability to work a more normal schedule. Officer Geer who was just hired as part time will bump up to the full time position when it is open.

We are looking at replacing shields next year. They are either expired or expiring. The next safety meeting is also the community advisory board meeting.

Communications

Mayor Monahan gave the following report:

It was moved by Mathews, seconded by Hanna to enter the following letter into the minutes so Mayor Monahan did not have to read it all out loud. 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.

Chairman Schaffer of the Ohio House Ways and Means Committee;

We are writing to alert you to the disgraceful failure of the Ohio Business Gateway to collect and remit municipal tax revenues despite repeated assurances they would be able to do so.

Both municipalities and the legislature were assured that the OBG would be able to handle the increased number of net profit filings from businesses that opted in. The following is a direct quote from the testimony of Sam Davis, the Assistant Director of the Ohio Department of Administrative Services and the State Chief Information Office when he testified on before the House Ways and Means Committee on March 14, 2017:

" These modernization efforts - OBG 3.0 - driven by the Lt Governor's Office, will greatly improve the design and flow for the users and improve the user experience by leveraging a Cloud Solution to minimize application impacts. The new Municipal " Net Profit" collections proposed in the budget would be handled in the new OBG 3.0 platform. The approximately 400,000 transactions, estimated by the Ohio Department of Taxation, represent less than 10% of the 5 million transactions the existing OBG handles today. We are confident that either the existing or the new system has more than enough capacity to handle the increased volume and transactions."

None of these assurances have proven true. For weeks, both taxpayers and municipalities have been unable to properly use the Ohio Business Gateway. Municipalities are reporting taxpayers, including entire accounting offices, attempting to file and finding themselves locked

out of the OBG completely, unable to even log into their accounts to make payments. These problems occur for both municipal net profit business filings and payments. When a municipality or taxpayer calls the OBG for assistance, they could be on hold for over 2 hours, sometimes as the 190th person in line. Those who opt for a " call back" never receive one

Not only are taxpayers unable to log into their own accounts to make payments, but municipalities are simply not receiving the revenue once it is collected. The City of Troy did not receive their June distribution the entire month of July. At no point were they notified by the OBG there would be a delay. It was not until July 30th that the city was even told the amount that the distribution would be. These extreme delays in distribution create a cash flow issue for the municipalities that jeopardize their ability to fund basic services. How can a city or village guarantee their constituents fire or police services or clean water or garbage collection if they don't have the revenues they are owed?

The Ohio Business Gateway lied about their capacity to handle net profit business filings administered by the state, and now Ohioans across the state are paying for that lie. We ask that something be done immediately to remedy the situation and stop taxpayers for being punished for the OBG's inability to correctly perform the one task they promised Ohio they could do.

Sincerely,

Kent Scarrett
Executive Director
Ohio Municipal League

Mayor Monahan said we are running a deficit this year in the RITA taxes compared to last year. The legislatures pushed through a bill allowing Ohio Business Gateway to collect net-profit income taxes instead of them being paid to RITA.

Council member Rob Thatcher and I met with The Delaware County Health Dept., Delaware County and Concord Township and also the Humane Society on Aug 15th about the contiguous junk yards and the likely health risks caused by them. Council member Thatcher will report on this.

I went with the Dalvi's to the Indian Festival the other night and talked with Mayor Ginther. I mentioned that we have some jurisdictional things we want to resolve and we have been working with Michel from his office and told him we really want to get this going. I know he didn't know what I was talking about but basically wanted to keep it moving.

Mayor's Report

Mayor Monahan gave the following report:

We have a Planning and Zoning meeting on August 28th. We will be working on limiting temporary signs. At the last meeting I requested the Chamber to help us limit temporary signs.

I am hoping that we end up at a reasonable proposal that limits the number and timing of temporary signs. I hope we can reach a logical resolution, though I admire a number of things that Dublin does, one aspect I believe that hurts businesses are over strict signage codes.

We will also look at changes to our Blight Ordinance to deal with deteriorating Commercial properties.

Pro Tem Report

Pro Tem Mathews said I have a couple of appointments to do for the BZA, some new and a few to reappoint. Bob Schneider, Josh Vidor and Geoff Hanna, who is staying on as the Council representative, at least to the end of the year and then we can revisit it. Vladimir Neverov is not going to be able to continue in his spot so we are appointing Rich Pomante to this position.

Rich Pomante said I would love to be a part of the building and zoning. I was born and raised in this area, within a mile of here. I have seen this place grow leaps and bounds. I am a general contractor, commercial and residential. I do more lead abatement in this state than any contractor out there. I have done everything from new builds to remodels in this state, Florida and Hawaii.

It was moved by Mathews, seconded by Hanna to appoint Rich Pomante to the open seat on BZA. 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 Mathews, seconded by Thatcher to appoint Geoff Hanna as the council representative to BZA. 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 Mathews, seconded by Hanna to reappoint Josh Vidor to the BZA. 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 Mathews, seconded by Thatcher to reappoint Bob Schneider to the BZA. 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.

Committee Reports

Council member Matney said finance met immediately before this meeting. Shirley provided us with a review of finances year to date and 2019 budget projections. It is looking a little tight for next year and for this year. A lot of that could be due to the Ohio Municipal League letter the Mayor referenced earlier. There may be monies we are missing but we do not know for sure. We discussed an increase of staffing hours for designated positions such as Richard Ey. He came in and discussed his desire to hopefully upgrade his hours for next year. That is kind of on hold for right now. We also discussed 2019 salary increases, possibly moving for a three-year cycle. That is also on hold. Steve is going to move forward with looking into possible dental and vision insurance for part time employees, at the moment. fully funded by the employee. We agreed to move forward with legislation for Steve to apply for the grant for the storm drain repair on Glick

Road. The estimate for this project is \$70,000.00 and recommend potentially up to a twenty percent match. There is no street paving for this year but we will do it next year. The new village truck should be here in October and the payments are less than what the previous one was. The contract with Isaac Wiles expires in November and we will have legislation soon to renew that again.

Council member Thatcher said on August 15th the Mayor and I met with Delaware Health, the Humane Society, Sheriff's Office, Delaware County Prosecutor and Concord Township Trustee to talk about feral cats, junk yards, raccoons, disease and dogs. There was some consensus on things, that basically the township is not going to do anything. They say they can't do anything about cars because they look like they have license plates so as far as they are concerned they are licensed. That doesn't mean they are legal. They really don't have any regulations. The Humane Society said that sure they can trap cats all we want. They will gladly spay and neuter them for \$35.00 each. They would dispose of them for \$20.00. If they trap them there is a \$50.00 deposit and if we want to pay, we can hire a person to come in and trap them. This came about because multiple people have complained about these cats. There are paintings on the road that say slow down, someone put stripes on the road which are not proper for the road. The Sheriff's office knows and the township says it's just cheaper to let people drive over it and wear the paint out versus fixing it. They don't have a lot of solutions. They did send a letter to the property owner across from where the old church's parking lot was on the west side of the road to see if they gave them permission to come in and feed the cats. There are two cat colonies over there. People come in from outside the village and feed them. When Ohio Groundskeeping bought the property they cleaned the brush out of the parking lot then all the cats moved to the next property. There are physically little cat buildings and they come in there and feed them once or twice a day.

The health department said we are lucky we have cats because that keeps the rats out of the junk yard. It doesn't stop the raccoons and everything else. There have been a lot of complaints about the raccoons. They are tearing up people's backyards and everything else over there. I am going to send a letter out to all the affected people over there and give them their options and we will see what we can do.

I also went to the Tax Incentive Review Council with Shirley last week. We voted to continue our TIF's as they are.

Legislative Actions

Second Reading- Ordinance 21-2018- Sponsored by Planning and Zoning- An Ordinance creating, establishing and adopting Section 1307.041 ("Curbside Garbage Placement") of the Codified Ordinances of the Village of Shawnee Hills.

Council member Stacy said Section 1 B, third line down after removed – where it says – to behind the front building line of the residential or commercial property and outside of plain view from any neighboring street or property. I drove down Shawnee Trail one day last week and it was not garbage day and I saw that twenty two houses would be in violation of this.

Mayor Monahan said I had incidentally circled the same thing. The only thing I would say after 2, this is just a thought, from curbside.

It was moved by Stacy to remove from: to the property to just from curbside.

Brian asked how do you want the sentence to read.

Council member Stacy said I want it to read: All containers shall be removed, from curbside, by no later than midnight of the scheduled collection date.

Brian said that is going to be interesting to be able to enforce.

Mayor Monahan said let's see if we get a second for the motion.

Seconded by Mathews.

Mayor Monahan said my only question is if we say it must be at least fifteen foot out of the right-of-way or whatever it is and I know there's problems Jeff, I fully understand. I had circled the same thing. I did leave 2 in there and I would just suggest no less than fifteen feet away from the right-of-way.

Brian said you need something that is somewhat potentially measureable. Remove it from the curb, you can forget about trying to enforce that.

Council member Gates said that kind of takes the teeth out of the whole ordinance to begin with in a way. Because if you can't do something, for instance, the line of the building, where maybe it's not in the sight of people driving by because some people don't have houses or garages that would take care of that but if we started into the feet situation, you still have something just sitting out.

Mayor Monahan said could it be past the front line of the house or up against the house.

Council member Matney asked is it really necessary. Is it a big issue in the Village?

Mayor Monahan said it is some issue but right now, to Brian's point, Mark has nothing he can charge them with.

Council member Matney said it just seems really petty to me but if we have an issue than I understand.

Council member Gates said this was brought to planning and zoning because of one certain situation and it kind of went from there.

Council member Matney said her neighbor across the street does not have a garage. The front of the road is tree lined so they tuck their cans inside the tree line, big deal, this would affect them. They are five feet from the road but it's hidden in pine trees.

Council member Stacy asked Council member Hanna if he had fifteen feet from the roadway to your house. Council member Hanna said probably not. I put it up against the shed. It is visible from the street but it is not on the curb.

Council member Mathews said that is why Jeff's statement works. It is vague but you pull it away from the curb.

Council member Stacy said if you are going out to move it, if you have to move it from the curb, are people really going to move it three feet. If they are going out to get it, they are going to move it more than three feet.

Brian said they absolutely will. You may say you would never do that but some people will.

Mayor Monahan said how about saying up to the structure or out of sight.

Council member Stacy said there are too many people that can't put it out of sight.

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 22-2018- Sponsored by Planning and Zoning- An Ordinance creating, establishing and adopting Section 1307.031 ("Vacant Building Registration") of the Codified Ordinances of the Village of Shawnee Hills.

Second Reading- Ordinance 23-2018- Sponsored by Planning and Zoning – An Ordinance to amend and rename Section 1121.11 (Parking and Storage of Vehicles on Residential Property) of the Codified Ordinances of the Village of Shawnee Hills.

Mayor Monahan said this started out with having to do with commercial boats and things that Larry was storing on his property.

Brian said commercial vehicles have nothing to do with boats which are recreational vehicles. This has to do with commercial vehicles.

Mayor Monahan said how are we covering boats because that was the intent when we came out of planning and zoning. The ideal behind this was to eliminate the ability to store non-related things like boats on Larry's property. It could be anywhere else; it could be Jimmy V's or Iacono's.

Brian said the direction out of planning and zoning was commercial vehicles on commercial property. If you want to add recreational vehicles on commercial property, we probably could. I will have to take a look at the multiple sections of the code that has to do with parking. I remember the issue was vehicles on commercial property that wasn't related to the business.

Mayor Monahan said the discussion was about the boats that Larry had stored on his property and whether it got translated well or not but that is what our discussion was. Mayor Monahan said we can discuss this at planning and zoning tomorrow night.

First Reading- Ordinance 24-2018- 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, 2018 and declaring an emergency. It was moved by Gates, seconded by Thatcher to suspend with the second and third readings and declare Ordinance 24-2018 an emergency. Following vote on the motion is recorded: yea, 6; Gates, Hanna, Mathews, Matney Stacy and Thatcher. Nay, none. It was moved by Matney, seconded by Mathews to adopt Ordinance 24-2018 as an emergency. Following vote on the motion is recorded: yea, 6; Gates, Hanna, Mathews, Matney Stacy and Thatcher. Nay, none.

First Reading- Ordinance 25-2018- An Ordinance to amend Section 5 of Ordinance 09-2018 and declaring an emergency. It was moved by Hanna, seconded by Gates to suspend with the second and third readings and declare Ordinance 25-2018 an emergency. Following vote on the motion is recorded: yea, 6; Gates, Hanna, Mathews, Matney Stacy and Thatcher. Nay, none. It was moved by Thatcher, seconded by Matney to adopt Ordinance 25-2018 an emergency. Following vote on the motion is recorded: yea, 6; Gates, Hanna, Mathews, Matney Stacy and Thatcher. Nay, none.

First Reading- Resolution 18-2018- A Resolution that the Village of Shawnee Hills host an employee appreciation dinner.

Bills

It was moved by Stacy, seconded by Gates to approve the bills in the amount of \$29,988.09. 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 Matney, seconded by Hanna to approve the following treasurer’s report:

General	233,391.36	Fire	84,596.20
Street	152,938.91	Weed	6,710.95
State Highway	15,332.35	TIF	15,765.00
Parks and Recreation	3.02	TIF 2	35,327.89
PD Body Armor	406.40	Veteran’s Mem	248.97
Cont. Prof. Training	3,868.15	Sewer Oper.	15,173.16
Drug Law Enf.	283.41	Sewer Repl.	192,719.87
Indigent Drivers	385.84	Storm Sewer	3,334.36
Enfct. and Education	1,195.85	Debt Service	132,930.39
Court Computer	4,032.32		

For a total of \$898,644.40

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 Stacy, seconded by Hanna to adjourn until September 10, 2018. Following vote on the motion is recorded: yea, 6; Gates, Hanna, Mathews, Matney, Stacy and Thatcher. Nay, none. Chair declared the meeting adjourned at 7:48 p.m.