

Village of Shawnee Hills Council Meeting Minutes

June 8, 2020

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

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

Absent: Mayor Monahan and Council member Geoff Hanna

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

Minutes

It was moved by Matney, seconded by Gates to approve the minutes of May 11, 2020 with the following amendments: on page three, change done to some and on page five, change through to throw. Following vote on the motion is recorded: yea, 5; Gates, Mathews, Matney, Stacy and Thatcher. Nay, none. Motion passed by a 5-0 vote.

Agenda

It was moved by Gates, seconded by Thatcher to amend the agenda by adding Resolution 09-2020 and Resolution 10-2020. Following vote on the motion is recorded: yea, 5; Gates, Mathews, Matney, Stacy and Thatcher. Nay, none. Motion passed by a 5-0 vote.

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

Solicitor

Brian said most of the work I did the past two weeks is reflected in the legislation that is on the agenda tonight. The legislation dealing with section 1121.09 came from the planning and zoning commission. The rest of them came from the ABR. We were contacted by the Ninja Gym, their attorneys actually contacted us, but before that Chris Tebbe and Ninja Gym's engineer have been discussing the storm water plan over at that site. Right now they are not agreeing with what is going on so the Ninja Gym has contracted with an attorney and he has contacted me. We are all going to get together and try to figure out what needs to be in this plan and how we can achieve all we need to do. Chris will be driving this for us because he is the engineer and knows the code inside and out. That meeting is scheduled for this Thursday in the village office.

Resolution 10-2020 has to do with Senate Bill 310. At the last council meeting Pat had mentioned that piece of legislation. This legislation will allow Ohio municipalities and townships to be able to accept money from the CARES Act from the federal government. My understanding is that the money is going to be distributed by using the local government funds formula.

Resolution 06-2020 is on the agenda tonight for a second reading. I ask Council to table this. This is the storm sewer cost sharing agreement with Imperial Renovations and Design. Craig and I have been working with them. We sent over a draft of that agreement and they sent it back to us with very minor, but there were some changes to it. We just sent back our response today so I want to make sure that the agreement is final before you vote on it.

Council member Stacy asked why does the tax levy have to be an emergency. Is there a cutoff date?

Brian said you have to pass this resolution to get the number from the auditor and then you have to pass another piece of legislation to actually put it on the ballot. That final one has to be ninety days before the election. I always draft this one as an emergency because it is really doing nothing but saying to Shirley, hey, go get the number from the auditor so that we can put it on the ballot.

Village Administrator

Craig Thompson gave the following report:

Storm Water Drainage Project on Glick Road: We received three bids. The lowest bid received was \$90,408 from Driven Excavating LLC out of Shelby, Ohio. This has been reviewed by Chris and his recommendation is to contract with them. We are asking for this to be passed as an emergency so we can try to get it done before the Memorial Tournament.

Council member Matney asked if we pass this tonight as an emergency, what is their ETA?

Craig said we would have to get with them and talk about their schedule. What Chris has told me that once we get them on the project it should not take more than a week to complete.

Ninja Gym: Chris and Mark met with their Engineer at the site on April 23. They went over what is required per our code and answered questions. We have not received a revised set of drainage plans. Applicant's Attorney has sent us a letter requesting clarification on Code requirements.

O'Shaughnessy Crossing: Resolution 06-2020 is up for 2nd reading on June 8. This is a contract for upsizing the storm water line from 24" to 36". This project was discussed at UST on May 11.

Osage Woods PUD: We have not received an amended application.

Annual Budget: Shirley and I have met twice recently on the annual budget, specifically to discuss budget impacts resulting from projected income losses. A revised budget will be presented to the Finance Committee on June 8.

Sanitary Sewer Line Inspection: Awaiting a list of repairs from Chris based on recent report from Contractor.

Shermer Brew Pub: No plans have been submitted to Village yet.

Pump Station Back Up Generator: Mark has been working on this and we have our estimate, after working with two or three different contractors. The cost is \$33,154.00. Brian will prepare a resolution for the June 22 council meeting authorizing us to execute that contract so we can move ahead with that. This is for a backup generator for the pump station. This has been discussed in UST.

Council member Mathews asked which fund are we using for that. Shirley said the sewer fund.

Council member Stacy asked about the new Wine Shop at Shawnee Square with fire pits and chickens and roosters and all that stuff. Is that all okay with code, the fire pits or is that any of our say so.

Craig said he will get with Mark on that and get back to him.

Police Chief

Chief Baron said I attended several meetings. Everything is focused on COVID 19. Two meetings a week for COVID and it's been about four meetings a week for civil unrest. It has been extremely busy here in the last two weeks. We have handled fifty-six rounds of calls to service. We have had two domestic violence incidents, one being a felony. We had an incident where a driver intentionally tried to run over children crossing a parking lot. We had a felony theft investigation of several thousand dollars. We had a violation of protection order involving another potential vehicle crash. The person was armed with a sword and a knife.

On my day off, and not on village time, I assisted with a missing child down in Adams County and sadly the child was found deceased.

We assisted CPD with riot and traffic control. We have had zero use of force. We did have one arrest for weapons under disability and the individual will also be facing federal weapons violation. We have had several positive interactions with people from all over central Ohio and some that live in our community that we ran into down there. Our main purpose was to close off downtown and stop vehicles from entering or exiting. With the perimeter we were able to stop and apprehend any individuals disturbing the peace before they got to the suburbs as they were planning to do every single night. We cooperated with other Delaware County Chiefs to prepare for approximately nine large protests that occurred in Delaware County. We planned to prepare for a peaceful march through the village that actually never came to fruition.

Coronavirus is still a thing. We will continue to monitor PPE practices to keep our staff, facilities and community safe.

We had eight public records requests in the last two weeks, which is pretty daunting for us.

Brian's office has helped us with one.

I have fielded some questions about this lately. Mutual aid is covered in the Ohio Revised Code. This allows police departments to get help from agencies when needed. Being a small department we frequently rely on other agencies for more serious crimes, back up or when a crime that occurred in the village takes us into another jurisdiction. Generally speaking, when someone commits a crime in Shawnee Hills they either live in Columbus or Delaware City. Frequently we are going to the City of Columbus for larger crimes and we are asking for help. In this situation, they asked for help from us and eighty two law enforcement agencies across Central Ohio. The larger agencies that usually pitch in, Hilliard, Dublin, and Westerville couldn't

because they were all experiencing similar incidents, not to the scale that Columbus was. Pretty much every day an initial request went out and we held off. A second request came in with an urgent plea of can you send anyone and we went. It is a reciprocal agreement. We cannot always be the department that asks and never gives. Occasionally it will give our officers an experience that they will not get in the village but may have to one day. Hands on experience is the best training. With this time in Columbus, there has been some talk, and their intent is to provide some level of reimbursement. It is in the hands of Columbus City Council so if that ever comes to fruition great. I am not going to count on it.

The police department is back to normal operating procedures as much as we can. We still ask people to social distance when dealing with us and we encourage over the phone or outside interactions. Officers are required to wear masks inside buildings. We continue to monitor employee symptoms and take temperatures daily. We will continue to utilize our exposure plan should an officer come in contact with someone with COVID or displaying COVID symptoms.

The 2.5 mill levy. A lot of feedback I heard from the community, that was constructive, was aimed at the amount the levy was asking for. The main thing was the amount and the coronavirus didn't help at all with people being furloughed or just the financial uncertainty. If we lower the amount we are going to have to cut part-time staff. There will be some considerable cuts but we would like to cap the total staff at six by utilizing full-time officers and not have part-time officers. I explained it to Pat the other day. We have a house and in that house, if I have six people that I have to feed and clothe and train and equip, it is a heck of a lot cheaper than nineteen. Other areas of the budget we might be able to redirect into other things and use wisely instead of a higher turnover rate. The purpose of the levy is to implement a pay scale that is in line with other areas. Obviously it is going to be significantly less than the 3.5 mill model. Retaining officers increases the stability and knowledge base of our agency, which in turn puts a better product on the street. With that, after Finance today, I went back to the car and did some math; we can no longer guarantee 24/7 coverage. Right now, at least on paper, we should be able to cover for the most part, but if someone calls off sick, someone gets hurt, someone takes a vacation there will not be coverage. That gap is going to be on whatever shift it falls on so if it is a Friday afternoon, there will not be a car out on Friday afternoon. We are not going to have a part-time detective so officers will be handling their own cases which is going to equal less time on the streets for patrol. We are going to have to evaluate the tournament as I am not sure that one officer on duty during the Memorial Tournament and all that goes with that is even safe for one officer on the road by himself or herself.

There is a national call out there called Eight That Can't Wait. There are eight changes that the protesters are asking for to be changed in law enforcement. The eight pieces of that are: ban chokeholds and strangle holds. We already do that unless it is an absolute life or death situation for the officer. Require de-escalation. We do that and we train it every single year. Require a warning before shooting. We give several commands prior to shooting and it is built into our policy that a verbal warning is given. Requires exhaust all alternatives before shooting. That is a given. We do that anyways and it is built into our policies. Duty to intervene. With the situation in Minneapolis where the other officers didn't intervene. That is actually in our policy as well. If an officer is doing something that is unlawful, our officers are required to stop them when that happens. Ban shooting at moving vehicles. As a practice, we don't shoot at moving vehicle. There are situations where it would be appropriate so our policy doesn't outright ban it but it

discourages that as a practice. Require use of force continuum. We utilize that, we train on that. It is something that has been part of law enforcement since you enter the police academy. Require comprehensive reporting. We do that too.

What I wanted to do is I wanted to cover these eight things and explain them to you because I am sure residents are coming forward with questions with what is the village doing or the police department doing. We have gotten a lot of questions. In addition to that we have body cameras that we do not have to have. The annual mental health crisis training. Every year we use a certified instructor to come in and we talk about mental health crisis training in some regard. We have a certified crisis negotiator on staff and we require every officer to have autism awareness training. Daily supervisor review of the body camera videos. It doesn't help to have video if you are not watching them to make sure everyone is doing the right thing. We review videos for any violations or any abuse by the officers or just anything we feel we need to talk about and use as a training scenario. Unless there is an egregious policy violation that an officer finds in a video, we keep that in house and just a verbal coaching with the officer. We have an early warning system. If an officer gets three complaints or has three response to resistance or use of force within a year, they actually have a sit down panel interview with all the supervisors and we figure out if this is just a product of the shift they are working or if this is a product of their attitude and maybe they don't need to be here anymore. Quarterly firearms and response to resistance policy training. We review it quarterly. All response to resistance incidents and pursuits are presented to the advisory board and safety committee. Deadly force investigations are to be conducted, as a matter of policy, by an outside agency. Any incident that involves serious harm to an individual by one of our officers is also investigated by an outside agency as a matter of our policy. Daily training with Lexipol which tests them on high risk, low frequency events so a lot of what is being talked about, our officers are doing on a daily basis. It all starts with the hiring process. We use National Testing Network which includes a personality test. Do they have a personality to treat people fairly? Do they follow orders? We also do a psychological exam, the panel interview and when we can get them, we include residents on that panel and also a polygraph. After they complete that process and are hired, there is a three month field training period. It is hands on. We observe them for three months. We grade every single one of their paper works, their reports, their tickets, their videos. We document that this is the type of person we want to give a badge and a gun that is in our community and interacting with our residents. Everything that I have written, everything that I have said, my door is always open to any resident. We publish our stats quarterly. We put out the annual report and I will continue to weed out the officers that did not fit our standard.

Council member Thatcher asked where are we liability wise when the officers are in Columbus? Is there a formal written agreement or are we just responding to a call. How does that impact us?

Chief Baron said Columbus is signed on to the multi-jurisdictional mutual aid agreement that we did. I think Columbus is in there. Our officers are responsible to all entities and supervisors are there to make sure they are doing the right thing. We had no uses of force. If there had been use of force it would have been an immediate correction at the discretion of the supervisor to make sure it was done properly. Even when we assist Delaware County or they come in to assist us, it would still be under Delaware County.

Committee Reports

Council member Matney said that Finance met tonight prior to this council meeting. Shirley provided us some information of revenues from the beginning of the year to current. Our revenues are projected to be down quite a bit primarily due to our RITA collections. We anticipate a loss of \$51,000.00 but we will not know that for sure until the upcoming months. We also reviewed expenses as well so we are a little bit behind in our revenues and expenses for the year. We talked about the police levy that is on the agenda tonight. We had some discussions about potential hazard pay but no agreements or conclusions.

Council member Thatcher said UST met prior to the council meeting. Craig hit on all the main points except for Aspen Energy. Jay Sell from Aspen Energy came out and talked to us. The resolution is on here about continuing the natural gas aggregation. This is an emergency because we were supposed to do this two months ago. This rate is lower than Columbia Gas rates and we also talked to him about consolidating the gas and electric aggregation so that they both are due at the same time.

Legislative Actions

It was moved by Stacy, seconded by Thatcher to table Resolution 06-2020. Following vote on the motion is recorded: yea, 5; Gates, Mathews, Matney, Stacy and Thatcher. Nay, none. Motion passed by a 5-0 vote.

First Reading- Resolution 07-2020- A Resolution declaring the necessity to levy a tax outside the ten-mill limitation, requesting the Delaware County Auditor certify to the Village of Shawnee Hills the total current valuation of the Village of Shawnee Hills and the dollar amount of revenue that will be generated by an additional two and one half (2.50) mill, three (3) year tax levy for providing and maintaining motor vehicles, communications, other equipment, buildings, and sites for such buildings used directly in the operation of a police department, for the payment of salaries of permanent or part-time police, communications, or administrative personnel to operate the same, including the payment of any employer contributions required for such personnel under R. C. 145.48 or R. C. 742.33 and declaring an emergency.

It was moved by Gates, seconded by Mathews to suspend with the second and third readings and declare Resolution 07-2020 an emergency. Following vote on the motion is recorded: yea, 5; Gates, Mathews, Matney, Stacy and Thatcher. Nay, none. Motion passed by a 5-0 vote.

It was moved by Matney, seconded by Stacy to adopt Resolution 07-2020 as an emergency. Following vote on the motion is recorded: yea, 5; Gates, Mathews, Matney, Stacy and Thatcher. Nay, none. Motion passed by a 5-0 vote.

First Reading- Resolution 08-2020 – A Resolution authorizing and directing the Village Administrator and Fiscal Officer to execute an agreement with Volunteer Energy Services, Inc. to provide retail natural gas services and declaring an emergency.

It was moved by Thatcher, seconded by Gates to suspend with the second and third readings and declare Resolution 08-2020 an emergency. Following vote on the motion is recorded: yea, 5; Gates, Mathews, Matney, Stacy and Thatcher. Nay, none. Motion passed by a 5-0 vote.

It was moved by Thatcher, seconded by Matney to adopt Resolution 08-2020 as an emergency. Following vote on the motion is recorded: yea, 5; Gates, Mathews, Matney, Stacy and Thatcher. Nay, none. Motion passed by a 5-0 vote.

First Reading- Ordinance 07-2020 – An Ordinance repealing Section 1121.07 (Environmental Review District) of the Village of Shawnee Hills Codified Ordinances.

First Reading- Ordinance 08-2020- An Ordinance repealing Section 1121.09 (Architectural Standards for Commercial Zoning Districts) of the Village of Shawnee Hills Codified Ordinances.

First Reading- Ordinance 09-2020 – An Ordinance amending Section 147.02 (Purpose of the Architectural Board of Review) of the Village of Shawnee Hills Codified Ordinances.

First Reading- Ordinance 10-2020 – An Ordinance amending Section 1113.13 (c) (1) (Building Orientation), Section 1113.13(f)(2)(E) (maximum Site Coverage), Section 1113.13 (G)(4) (Upper Story Windows), Section 1113.13(G)(11) (Roof Pitch), Section 1113.13(G)(12) (Building Materials and colors), and Section 1113.13(G)(18) (Lighting).

First Reading- Ordinance 11-2020- An Ordinance amending Section 1129.01(F) (Issuance of Certificates) and adding Section 1129.01(I) (Secured Structures) of the Village of Shawnee Hills Codified Ordinances

First Reading- Ordinance 12-2020- An Ordinance to reappropriate funds for the current expenses and other expenditures of the Village of Shawnee Hills, State of Ohio, during the fiscal year ending December 31, 2020.

It was moved by Stacy, seconded by Matney to amend Ordinance 12-2020 to declare it an emergency. Following vote on the motion is recorded: yea, 5; Gates, Mathews, Matney, Stacy and Thatcher. Nay, none. Motion passed by a 5-0 vote.

It was moved by Thatcher, seconded by Matney to suspend with the second and third reading and declare Ordinance 12-2020 an emergency. Following vote on the motion is recorded: yea, 5; Gates, Mathews, Matney, Stacy and Thatcher. Nay, none. Motion passed by a 5-0 vote.

It was moved by Thatcher, seconded by Gates to adopt Ordinance 12-2020 as an emergency. Following vote on the motion is recorded: yea, 5; Gates, Mathews, Matney, Stacy and Thatcher. Nay, none. Motion passed by a 5-0 vote.

First Reading- Resolution 09-2020- A Resolution authorizing and directing the Village Administrator and Fiscal Officer to accept the bid of, and enter into a contract with Driven Excavating, LLC for the Village of Shawnee Hills Glick Road Storm Water Improvement Project 2020 and declaring an emergency.

It was moved by Thatcher, seconded by Matney to suspend with the second and third readings and declare Resolution 09-2020. Following vote on the motion is recorded: yea, 5; Gates, Mathews, Matney, Stacy and Thatcher. Nay, none. Motion passed by a 5-0 vote.

It was moved by Thatcher, seconded by Gates to adopt Resolution 09-2020 as an emergency. Following vote on the motion is recorded: yea, 5; Gates, Mathews, Matney, Stacy and Thatcher. Nay, none. Motion passed by a 5-0 vote.

First Reading- Resolution 10-2020- A Resolution authorizing and directing the Fiscal Officer to register for coronavirus relief funds through the Office of Budget and Management, requesting the Village of Shawnee Hills receive its share of the County Coronavirus Relief Distribution Fund, confirming the funds will be expended only to cover costs consistent with the requirements of Section 5001 of the CARES Act, and declaring an emergency.

It was moved by Gates, seconded by Mathews to suspend with the second and third readings and declare Resolution 10-2020 an emergency. Following vote on the motion is recorded: yea, 5; Gates, Mathews, Matney, Stacy and Thatcher. Nay, none. Motion passed by a 5-0 vote.

It was moved by Thatcher, seconded by Matney to adopt Resolution 10-2020 as an emergency. Following vote on the motion is recorded: yea, 5; Gates, Mathews, Matney, Stacy and Thatcher. Nay, none. Motion passed by a 5-0 vote.

Bills

It was moved by Thatcher, seconded by Matney to approve the bills in the amount of \$115,654.86. Following vote on the motion is recorded: yea, 5; Gates, Mathews, Matney, Stacy and Thatcher. Nay, none. Motion passed by a 5-0 vote.

Treasurer’s Report

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

General	196,193.67	Mayor’s Court Computer	1,030.14
Street	203,238.74	Fire	50,044.03
State Highway	21,942.33	Weed	4,019.36
Parks & Recreation	0.00	TIF	31,126.96
PD Body Armor	1,073.83	TIF 2	55,830.18
Cont. Prof. Training	223.61	Veteran’s Memorial	248.97
Drug Law Enfct.	534.41	Sewer Operating	40,186.76
Indigent Driver	385.84	Sewer Replacement	92,795.09
Law Enfct. Trust	8,224.59	Storm Sewer	8,489.27
Enfct. and Education	1,220.85	Debt Service	105,160.75

For a total of \$821,969.38.

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

Adjournment

There being no further business, it was moved by Matney, seconded by Stacy to adjourn until June 22, 2020. Following vote on the motion is recorded: yea, 5; Gates, Mathews, Matney, Stacy and Thatcher. Nay, none. The meeting adjourned at 7:49 p.m.

Fiscal Officer

Mayor