

Village of Shawnee Hills Council Meeting Minutes

June 24, 2019

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

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

Absent: Dan Mathews

Also Present: Fiscal Officer Shirley Roskoski, Administrator Craig Thompson and Engineer Chris Tebbe

Minutes

It was moved by Thatcher, seconded by Matney to approve the minutes of June 10, 2019 with the following amendment. On page 3, third sentence change the word Chief's to chiefs. Following vote on the motion is recorded: yea, 5; Gates, Hanna, Matney, Stacy and Thatcher. Nay, none. Chair declared the motion passed by a 5-0 vote.

Agenda

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

Solicitor

Brian said the two things on my report we will be talking about at some point tonight. I worked on the legislation with respect to the annexation agreement with Concord Township. I also worked on the service resolution for the property that is being annexed into the village.

Village Administrator

Craig Thompson gave the following report:

- Vacant Building and Blight Ordinance Notices. Currently, we have one open Vacant Building Ordinance notification letter. This is for a vacant building that is for sale and received the extension. The extension comes up in July, 2019.
- Attended Sustainable 2020 quarterly meeting at MORPC.
- MS4 Audit: Staff met with Ohio EPA on June 19th regarding the Village storm water system. Chris, Shirley and Mark participated in this. It is anticipated the report containing the finding will take approximately 4 weeks to complete.
- Met with Steve Smith regarding the Glick Road Connector Trail.

Police Chief

Chief Baron said they have been working on a few training items and some administrative items.

Had a lot of talk from residents about tornado sirens and that is something we are working on and will have something for safety as well. We absolutely have to have the safety meeting on July 9th.

Working with the Chamber and the Civic to revive Safety Day. We cut that out do to financial limitations. They have expressed interest in sponsoring the event.

We received the body armor grant from the Attorney General's office. That is a 25% match. Historically we went with the federal grant which is a 50% match.

One of the hot buttons on facebook has been speeding in the neighborhood. First of all is a reminder that the speed signs went from 15 to 25. The legal speed limit is 25. The signs needed to be replaced and to avoid financial ramifications down the road we replaced them with the appropriate signage. I spent several hours the last couple of weeks in an unmarked car, not enforcing traffic but just trying to identify what the problem is. We put the speed sign out and the speed sign kicks back that no one is really going over 26, 27 miles per hour in our neighborhood. Of course, they see the sign and the slow down. I parked at several locations in the village with a laser and generally speaking cars are going 18-20 miles per hour. No egregious speeds while I was out there. I think the officers are doing a good job. If you see someone speeding it is probably a neighbor, talk to them.

Visitors

Shelia Hiddleston, Delaware Health Commissioner said she stopped in to give us a few updates and to see if there is anything the village is working on that we can work on with you. I brought several handouts and I will leave them with Shirley and I will be sending them electronically tomorrow as well.

We are in preparation for measles. As you are aware, we are having a national outbreak of the measles. It was previously thought to almost be eradicated from the United States. Unfortunately, that is not the case. We do not have any outbreaks right now in Ohio. I was on the radio this morning and said it is in all our surrounding states so we do believe we will have one but so far we are pretty fortunate that we haven't. What we are trying to tell our residents at this point is if you don't know your MMR status, particularly if you have in your family circle or your circle of influence someone that might not be able to get the vaccine because they are immunocompromised or children one year or younger, they can't get that vaccine yet. If you are unsure about your vaccination status you are welcome to give a call to one of our public health nurses and they would be happy to look that over with you. We presume immunity if you were born before 1957. If you were 1957 to about 1968 there was a period of time in there were the second dose of the MMR was not as effective so we are recommending that you go ahead and get a second shot.

It is tick and mosquito season. We are reminding everyone to dump the standing water. We do have our trap here in the village. We have eighteen sites for traps and we have the two different types of traps out. If we have any positive for West Nile Virus, we will do the fogging. We do follow the Centers for Disease Control best practices which is to fog in response to disease, either in the mosquito population or in a person. One of the things we are doing new this year is if we do spray or fog then we typically do that in a mile parameter. We have some additional traps that we are going to put out there a little past the mile to see if there is continued disease in that population. Just as a reminder we typically do not see any of the secondary spreader of that type of mosquito that can spread the Zika Virus but the secondary traps that we do have out there now that trap is to try to catch any of those mosquitos and so far we are not seeing a lot of those. We have had no West Nile in the County yet but there have been some positive pulls in Franklin

County so it is likely at some point we will have a positive pull. If we have to come to your community to fog we always let the Mayor know and our staff goes out the day before and put out signs to let the neighbors know that we will be out. We do have a no fog list that people can ask to be put on. I will tell you as good as we try to be with that, depending upon the wind it might drift a little bit unto your property.

Mayor Monahan said on Glick Road they have the signs up that fogging will be occurring.

Shelia said that is probably Franklin County. If it is part of Dublin, Franklin Public Health takes care of that section even if it is in Delaware County.

Shelia said another outbreak in Ohio that you may have heard of is Hepatitis A outbreak. This is primarily transmitted by having a food handler that has Hepatitis A and they don't use proper hand washing. You may have seen on the news they did have a food handler in Franklin County. You can be vaccinated against the Hepatitis A. We have been working a lot with our EMS and some of our first responders to do a clinic for them because you may be exposed and not really know because it can also be transmitted with blood and body fluids.

A couple of new things we have added this year. We always do pool safety but we are also reminding people that when it is hot and people are out there using those splash pads you can actually get sick from them if they are recirculating splash pad. We do have some in the county that are not recirculating and we have some in the county to do recirculate. The ones that do recirculate we actually inspect those. The ones that don't do not have any type of inspection associated with those.

The age friendly assessment was just finished. I brought you a copy of the entire assessment. This was a partnership we worked on with Sourcepoint. This is a World Health Organization initiative and in the United States they work with AARP really looking at our community to see how do we respond and how well do we meet the needs of our older adults. We do have those results and those are available to you. There is a number of information in there from our staff. We are the epidemiologist who looked at all of that data so if there is something specific in there related to your community you are welcome to give us a call and we will try to get that data for you.

Last, but not least, we did talk at our District Advisory Council meeting this year that we are putting together a community profile for each of our political subdivisions so you should be getting that in July.

Mayor Monahan asked Shelia to talk about the senior appliance pickup.

Shelia said we are getting ready to do that again and we partner with Sourcepoint on that. For those people who meet the qualifications there is no charge. We get a grant for this. This is for Delaware County adults, aged 55 or older and to contact Jennifer Way-Young if you want to take advantage of this.

Communications

Mayor Monahan gave the following report:

Delaware General Health District
NEWS RELEASE
P.O. Box 570 • 1-3 W. Winter St. Delaware,
OH 43015
740-368-1700
For Immediate
Release
www.delawarehealth.org
For more
information contact:
June 20, 2019
Traci Whittaker, Public
Information Officer
(740) 203-2085

SENIOR APPLIANCE PICKUP SERVICE NOW AVAILABLE DELAWARE, Oh. –

The Senior Appliance Pickup service is again available to older adults looking to rid themselves of any electronics and appliances.

This year marks the 16th year for this Delaware General Health District Keep Delaware County Beautiful program, which is funded by SourcePoint. The service is free and available to all Delaware County adults age 55 and older.

Accurate IT will be picking up items for recycling. The company is R2 certified, meaning e-waste is handled in an environmentally-responsible manner.

Residents are limited to one television per household. Multiples of other electronics and appliances will be accepted. Program will continue until funds are depleted.

To schedule a pickup, contact Keep Delaware County Beautiful coordinator Jenifer Way-Young at 740-203-2076.

I did stop by the Barnstead, a new shop in Shawnee Square.

There is also a career fair that will be held Thursday, June 27 from 11-2 at the Crown Plaza Columbus North in Worthington.

Mayor's Report

Mayor Monahan gave the following report:

May 2019 Mayor's Court Report

RECEIPTS

\$562.00 Total receipts

Disbursements

\$112.50 Treasurer, State of Ohio

\$4.50 HB 562 IDAT Fund

\$415.00 General Fund

\$30.00 Computer Fund
Erik Spaulding
Mayor's Court Clerk

I attended the Ohio Mayor's Conference June 12 through Jun 14. As always, the networking with other Ohio Village and City mayors is extremely helpful and shares experience with similar issues. At the heart of concern remains the past and current state Legislature's disregard for Home Rule. One of the strong concerns has been central collection of Income Tax. To date this is applicable to business taxes. It has resulted in untimely and inaccurate distribution of tax income to the municipalities.

The biggest concern is that the Ohio legislature would move toward residential income taxes. I talked with the representatives from RITA (Regional Income Tax Authority. RITA has been a good business partner and generally great to work with. I did tell them that the thing they could help us most with would be conducting a business Audit the shows where their employees are paying income tax. As I have said many times, I highly suspect that business employees, who work for companies who are multi-locational are likely to be paying to other municipalities. We had a good ABR hearing this past Thursday. It concerned the gym that is proposed for the corner of W Reindeer and Dublin Rd. (the location of the old pool). The proposal was tabled to incorporate the recommendations resulting from the mtg. The mtg. in July will continue the hearing.

Planning and Zoning will be conducting a hearing tomorrow evening, June 25 at 6:30 PM. This hearing is the re-zoning application of the lots across from the old church by Ohio Landscaping. Brian, I suspect that Ohio Landscaping, if successful, will have to file concerning the use of the property. Is that correct? Also, I don't believe our code allows for the sole use of Commercial Property for a parking lot. Is that correct?

I want to make sure the information is available to all and ask that we all take time to understand the JEDD and related no Annexation Draft agreement.

We as a village have done well working together and with surrounding communities.

These are very important issues and deserve full attention.

More to come on this!

Committee Reports

Council member Matney said Finance met prior to this meeting. Shirley talked about her review of RITA accounts. There are only a couple of accounts that she needs to contact RITA about. She also had a review of RITA income for 2017, 2018 and 2019 to date. We requested some motions to reappropriate funds. Our engineering costs are up a bit. The police department supplies budget is almost at zero. We have funds available to reappropriate due to the lower municipal insurance cost. The motions were to reappropriate funds for engineering costs, PD supplies, including body camera batteries and a County wide police equipment joint purchase request which is a small boat with sonar detection to be used by numerous participating entities which we agreed to contribute \$500.00 towards and \$140,000.00 for a additional principal payment on the sewer loan.

On the audit that we had, one of the things we got dinged on was having too much money in our rainy day fund. We are not supposed to have more than 5% of the amount of revenues we collected in the preceding year. We have a few options available to us. We can keep it the way it is or we can set up a couple of accounts for various other items. We did not come to any conclusions on that.

Pat gave some information to us to just think about possibly paving sixteen feet in and allowing a place for our residents to actually see the waterfront as it is now.

Council member Stacy asked how many feet.

Mayor Monahan said it is a sixteen foot wide road. This has been a reoccurring ask.

Council member Stacy asked how far in.

Mayor Monahan said to our property, 92 feet.

Council member Stacy said you will not be able to see the river.

Mayor Monahan said the rest of the story is for the last ten, twelve years people have been asking how come we have no access to the river. In 88 there was an abandonment of all the right of ways going down to the river and therefore the only access we still have is E. Old Powell Road. We have been up and down as far as a path for that and the only thing we can do is go in with an actual road that would probably just have a few parking spots and some benches. Again, I just want finance to look at it. It looks like we have x amount of money left in our road fund and when we did the watershed meetings in the fall that I attended they basically said around the three different reservoirs there are actually 70 accesses to the river and we do not have any. This is just a chance for finance to look at the estimates Chris provided.

Council member Matney said it is informational only. We haven't come to any conclusions or made any motions on that.

Legislative Actions

Third Reading- Ordinance 18-2019- An Ordinance creating, establishing and adopting Chapter 910 of the Village of Shawnee Hills Codified Ordinances (Specification for roads adjacent to new commercial facilities). It was moved by Matney, seconded by Hanna to adopt Ordinance 18-2019. Following vote on the motion is recorded: yea, 5; Gates, Hanna, Matney, Stacy and Thatcher. Nay, none. Chair declared the motion passed by a 5-0 vote.

Second Reading- Ordinance 20-2019- An Ordinance confirming the Mayor's appointment of Dorian Martin as a full-time police officer for the Village of Shawnee Hills and declaring an emergency. It was moved by Gates, seconded by Hanna to suspend with the third reading and declare Ordinance 20-2019 an emergency. Following vote on the motion is recorded: yea, 5; Gates, Hanna, Matney, Stacy and Thatcher. Nay, none. Chair declared the motion passed by a 5-0 vote. It was moved by Hanna, seconded by Gates to adopt Ordinance 20-2019 as an emergency. Following vote on the motion is recorded: yea, 5; Gates, Hanna, Matney, Stacy and Thatcher. Nay, none. Chair declared the motion passed by a 5-0 vote.

Mayor Monahan asked the village engineer to talk about the proposed street vacation request.

Chris said it is my understanding there has been a request to vacate the end of Ridge Drive east of Westview. I try to look at what the impact to the village would be. Back in 1988 the village

vacated a bunch of right of ways. I fight that battle every day because that is our drainage. We are very limited to where the water goes. When I look at this, I look to see if there are any utilities in that piece of right of way, there are none. There is drainage through there right now. There is actually significant drainage there. There is an area from the west that comes across Westview, comes on to the new house being built and then comes down and goes towards Straders. I looked at the four immediate properties, Foy, Gil, Banker and Strader's. In that immediate area, I do not know how that area will end up developing. I am basically looking at what is it now and what will it be in the future. Does the village run any risk of losing some rights now that they are going to need in the future. Along with the exhibits, I sent an email where it walked through all of it. Because of the existing drainage, if we were to vacate it, we would need a permanent easement across there to provide for storm drainage. We don't know what is going to happen to Straders twenty years from now. Right now as it is platted, there are three roads platted. So far, Forest has been extended slightly. Beach hasn't been extended yet and Ridge has not been extended. I have no idea what is going to happen here in the future. So what I look at is if we were to vacate it what impact does it have in the long term. Basically what happens, if we were to vacate it, the immediate impact would be that Foy would have an area big enough for another buildable lot. Currently they do not. They have a good number of parcels there currently but the right of way cuts it so it keeps it from being a buildable lot. It does not directly affect the Gil residence or the Strader property. This will affect the Banker property. It will prevent them from ever splitting their property without having access to it. Chris said I just looked at it from an engineering point of view. There has to be drainage provided. Do I know how it is going to be developed? Will there be a need for a road to go through there. I do not know at this point because I do not know what is going to happen at Straders. Chris said there is a value to it. When the roads were vacated, I think there was a cost of \$100.00. Now we are spending thousands to buy easements back so it is a big difference so there is a value to it.

Public Hearing - Second Reading- Ordinance 21-2019- An Ordinance vacating the unimproved Ridge Drive right-of-way, east of Westview Drive.

Tiffany Foy said I almost feel like I should go last because there are a lot of people here who are probably going to have opposite things to say of what I am saying but I can go first. I have lived here in the village for seven years and my husband and I are now building a home down the street from where we currently live on Westview Drive. I am here to request a vacation of the right of way on the east side of Westview where Ridge Drive is. I guess to start I just want to go through and describe what a definition of a right of way is. By definition, it is the privilege to pass through the land of another. So basically it gives the public access to travel through someone's' property. At this point my argument is that we no longer, from the village perspective, need to have the right of way in that location. In what I am speaking for here tonight is strictly in relation to that specific right of way. I will fully admit that this village has a number, each right of way is different, each right of way serves a different purpose but what I am speaking for tonight is truly just the one. I am not advocating for the vacation of all right of ways by any means. The reason why I feel that this can be vacated is that by doing so we do not land lock any land by removing that right of way. What I mean is that when Chris went through the plot map and talked about all of the other properties that are in relation to the location of that right of way everybody who touches that right of way has access to their property by some other means that already exist today. So by removing that right of way it is my opinion, of course, that

we are not negatively impacting anyone's ability to access property that they own. In fact if I could quote Mayor Monahan here, he said that our village lives on income tax. If anything, if we vacate this right of way and it becomes a buildable parcel where we can put a home that Chris mentioned does not negatively impact drainage to the village in any way, we would be able to get more income tax to the village. If anything, it could be a benefit to the village to have that land developed to be able to get more income tax. In closing, I would just like to say I look at this as a zoning issue. I think you are going to hear a lot of comments from people here that are not necessarily related to the fact that this a request to vacate a right of way. This is a zoning issue. I just ask that you look at it from a zoning perspective.

Jacob Banker said my wife Disa and I purchased 180 W. Mohawk and in addition three lots behind it. We are not in favor of this. It is the only way to access the back three lots that are not buildable, but we have used that right of way frequently to get materials back to build a fence and had a desire to do a small shed. It was our intent when we bought those three lots behind knowing that it would preserve the right of way for us so the lots close to us would not be built to maintain the integrity of the forest in the other area and not remove any sort of grading or movement of water which is a concern of ours as well. There is a large amount of standing water that we continue to move ourselves. As a concerned resident that is our wish and that is our request. Our main purpose is we have no way to get a vehicle back to the back portions of our property.

Tiffany Foy said I have a quick follow up. He mentioned a comment about the parcels behind his current property. There is actually another right of way that was established when they bought the three parcels behind their house. It is located on the deed. You can find it at the Delaware County Recorder's office. They did deed on that land a right of way that extends just east of their driveway and it continues on their land all the way back to those three parcels that they own, that they bought from Tom Cooper so there is technically a deeded right of way and for whatever reason those two parcels were not owned by the same party there is legally something established for a way to access those parcels.

Deborah Swanner said I live on Forest Drive and I do oppose the vacating of Ridge. I am not looking at it fiscally or the community. I am looking at it from the homeowners that came to this village for the beauty of the nature, privacy, no congestion of traffic, peace and quiet. When I was living in California I went online and found a home on W. Mohawk that I wanted to purchase and I put in an offer sight unseen but I was a couple hours late on that. The reason I chose that house, number one was the building itself and number two were all the pictures that my realtor sent me of the surrounding area. Coming from congested Orange County to this tranquil, quiet environment is a godsend for me and I put all my eggs in a basket and built my home here for the peace and quiet and I have been here for two years and it is heaven. I understand with construction you are going to have a lot of equipment and noise, etc. as they did when they built my house. I am also home everyday, I am retired, I work in my yard and I see the number of trucks that go in and out and with the new wine bar going in here it is going to create more traffic to the end of our road. I don't know how many times when I am in my yard people drive by and say is this a dead end. Yes, there's a sign, dead end, so they get upset, they do a u-turn and I just see it being more congested. You are taking down more trees. It is going to create more noise. Douglas, who lives two doors down from me who is on the other side of the forest, I was in my bedroom and I heard somebody cutting my grass and I ran outside to see who

it was and it was Douglas cutting his grass because all the trees had come down. So there is a big variance with the peace and quiet and tranquility of this great little village and trying to maintain that for all the people that came here for that reason. I am opposed to further congestion, traffic and certainly another house back there.

Judy Stephenson said I am nowhere near this road that is proposed to be vacated. I do believe I was sitting on council when we vacated those other roads back in 1988. What a mistake it was, a huge mistake. Now, I see issues with drainage, trying to get water down to the river, such as that. You don't know what is going to happen. There are a lot of lots up there that will eventually be developed and I am sure that there will be drainage issues that will come up as time goes by. I think it is kind of silly, and I am guilty of it, to limit our abilities to do the things we need for everyone in the community not just one particular property.

Sue Badgley said most of her concerns have been addressed already. She said her main concern is the drainage. Half of our property drains to that corner, goes under Ridge Drive over to Hatchers and then our water and Hatchers water goes under Westview and follows the unimproved piece of Ridge Drive. We are just concerned that if that is vacated and built upon we can get dammed up and create an issue for us as far as drainage is concerned. A good point was brought up that there will probably be other homes built back through there. I think we are just going to complicate the situation because the drainage was designed around those roads and those easements.

Tom Miller said he and his wife live at 191 W Mohawk. We are also opposed to it. Significantly, the drainage is first. We have noticed in just the year and a quarter that we have been here that there is a lot more water in our back yard that doesn't dry up as it did when we moved here. We also believe in the conservation of the neighborhoods and the green space. Municipalities all over the world have figured out that we need more green space. It would be silly, in my opinion, to give green space away and then have to worry about it later as you have already proven to yourself in 1988 with the river. We also don't think it is fair that if they buy their property and the rules get changed, unless it is an overwhelming good reason for the public to have the rules changed we don't think it should be changed.

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

Second Reading- Resolution 11-2019 – A Resolution authorizing and directing the Village Administrator and Fiscal Officer to accept the bid of, and enter into a contract with, Columbus Asphalt Paving, Inc. for the Village of Shawnee Hills 2019 paving project and declaring an emergency. It was moved by Thatcher, seconded by Gates to suspend with the third reading and declare Resolution 11-2019 an emergency. Following vote on the motion is recorded: yea, 5; Gates, Hanna, Matney, Stacy and Thatcher. Nay, none. Chair declared the motion passed by a 5-0 vote. It was moved by Hanna, seconded by Thatcher to adopt Resolution 11-2019 as an emergency. Following vote on the motion is recorded: yea, 5; Gates, Hanna, Matney, Stacy and Thatcher. Nay, none. Chair declared the motion passed by a 5-0 vote.

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

First Reading- Resolution 13-2019- A Resolution concurring with the Mayor’s Appointments to the Tax Incentive Review Committee and declaring an emergency. It was moved by Gates, seconded by Hanna to suspend with the second and third readings and declare Resolution 13-2019 an emergency. Following vote on the motion is recorded: yea, 5; Gates, Hanna, Matney, Stacy 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 13-2019 as an emergency. Following vote on the motion is recorded: yea, 5; Gates, Hanna, Matney, Stacy and Thatcher. Nay, none. Chair declared the motion passed by a 5-0 vote.

First Reading- Resolution 14-2019- A Resolution adopting a statement of services and a statement regarding possible incompatible land uses and zoning buffer for a proposed annexation of +/-0.766 acres from Concord Township to the Village of Shawnee Hills and declaring an emergency. It was moved by Gates, seconded by Hanna to suspend with the second and third readings and declare Resolution 14-2019 an emergency. Following vote on the motion is recorded: yea, 5; Gates, Hanna, Matney, Stacy and Thatcher. Nay, none. Chair declared the motion passed by a 5-0 vote. It was moved by Hanna, seconded by Thatcher to adopt Resolution 14-2019 as an emergency. Following vote on the motion is recorded: yea, 5; Gates, Hanna, Matney, Stacy and Thatcher. Nay, none. Chair declared the motion passed by a 5-0 vote.

Bills

It was moved by Stacy, seconded by Gates to pay the bills in the amount of \$53,660.68. Following vote on the motion is recorded: yea, 5; Gates, Hanna, Matney, Stacy and Thatcher. Nay, none. Chair declared the motion passed by a 5-0 vote.

Treasurer’s Report

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

General	228,129.68	Fire	33,902.14
Street	193,909.05	Weed	4,590.40
State Highway	17,888.05	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.	45,624.81
Drug Law Enf.	34.41	Sewer Repl.	167,259.87
Indigent Drivers	385.84	Storm Sewer	6,739.87
Enfct. and Education	1,195.85	Debt Service	219,126.32
Mayor’s Court Comp.	2,270.14		

For a total of \$ 995,503.92

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

Miscellaneous

Mayor Monahan said I would like to address the situation and I wanted to have it so everyone was able to hear it. We have been approached to do a JEDD and a JEDD is a Joint Economic Development District. Townships do not have the ability to do an income tax so they do a JEDD

with a village and then incorporate the Village's income tax into the business aspect of the JEDD. We had been approached about five months ago by Delaware County along with Orange Township and Evans Farms. That all looked good at the time and we figured that it would eventually net us somewhere between thirty to fifty thousand dollars a year. The ten percent we would be receiving for handling the checks and doing things like that. The County came back to us and said oops we have an issue. We have an issue because that little strip of land that Columbus owns is in Concord Township so we do not touch Liberty Township. The way the State Law is written and the State law is very heavily written by people that are township and county people more than municipalities that you have to be no more than one away from that. What we did is Concord Township said they would be willing to work an agreement with us that we would be able to use that through touch over to Orange that way. Well they also wanted to do a no annexation type of thing. This is where this is touchy. If you looked at our map, basically, we have around us to the west Tartan Fields and Dublin. Highly unlikely to get any annexation there but anything is possible. To the north is Lucy Depp. Now Lucy Depp does not have a government per se but they are part of Concord Township and we have talked to them in the past about annexing into us. To our east we have that little strip of property owned by Columbus and we have property owned by Columbus and Dublin to our south. The dangerous part of entering into a kind of no annexation type of agreement is you don't know what is going to happen. You could effectively lock the village. The flip side of that is if we were able to get multiple JEDD's we would eliminate a lot of financial problems by doing that. It is not an easy question, in fact it is difficult. Brian has been working with them. We had what I think was a little bit of a too tight of a draft proposal that came out of Concord as if it was kind of a tight grip and it has gone back and forth a little bit. What I wanted to do is have council give their thoughts on this. To bring it up to Brian or to have a discussion here.

Council member Stacy said so their proposal is we cannot annex anything north of here.

Mayor Monahan asked Brian to summarize what they basically were saying.

Brian said to summarize, there are three areas that are showing in those maps that came from the County. There is the permitted territory which basically is Jeff's parcel which is in the annexation process right now. Then there is the conditionally permitted area which is sort of that area that is inside the village limits which is Logan and Mohican. That is conditionally permitted. What Concord is proposing in that area is where they basically have the right to have a seat and the table and a voice to say yes or no with that annexation. Normally they would have no say whatsoever. No, they can't unreasonably deny their approval of that. The rest of the area outside of the village limits would be off limits.

Council member Stacy said the village needs to grow eventually right.

Shirley said yes.

Mayor Monahan said there's a balance. The balance is do you lock yourself in. I've dug through this a lot and I will tell you what my thoughts are that we should go back to them with but it will still be your vote. It will be your vote at the next meeting on this. The things I have talked to Brian about are: the Columbus land cannot be included. They should be allowed to annex land into the village. The reason is that townships do not have very good codes and you can see the

blight that they have and I think Columbus allows blight but we have not been able to enforce the neighboring blight from them there. We should have the first right of refusal. They are trying to contain any ability that we have to go north up to about Twin Lakes or maybe up to Harriett Road. I think if they were to do another JEDD up there that we should have the first right of refusal, everything west of the Scioto river. I understand if they were going to do a big project with Delaware County, with the City of Delaware to provide sewer and water to them I understand some of that. The river becomes somewhat prohibitive in that case. I think the other one was if they put a thing that this whole idea would be contingent on the Orange Township Evans Farms JEDD occurring. I think if you agree that you want to do this that we ought to incorporate that there would have to be two additional JEDDS over the next three years or that agreement would terminate because at some point in time, yes we want to grow but you are balancing the probability of either one against the other. The other one I think that any contingent land, for example, if take Rob Thatchers' house. Behind Robs house is part of Mohican. If the person behind him wants to sell his house I can tell you the same thing on Buckeye, for me if I wanted to buy the land behind me, any piece of land under 1.25 acres we should be able to annex into the village. The reason I say that is in Concord Township you have to have an acre and a half in order to build or else you have to get an adjustment to do that so these are the things I see. They proposed something, it's gone back and forth and Brian has spent time on it. If you want to do this what do you want and then it is going to come back to you.

Council member Thatcher said if we don't get more JEDDs I like the idea that at least we are not locked into the life of this JEDD. It does make a big difference. In three years, the way Lucy Depp is building back there with houses and stuff may not be something we want anyways because they are all going to be on septic. People that are building there are not going to want to annex in if they are spending all that money on septic systems.

Mayor Monahan said one of the toughest things with working with Lucy Depp is that they do not have their own government. At the end of the nineties the EPA came to Shawnee Hills and said thou shall have a sewer system, you are not going to be polluting the water. Just go north of us and you have septic systems. If you are going to annex something you really don't want to annex a populated area where we have to put in the pipes. We have done an assessment on Logan and Mohican and it was half a million dollars to put in the pipes. If we were to ever annex we want to do it before development so the developer puts in the roads, sewers and utilities. I am not saying either way to go with it but to counter with something and then with that if it did not grow beyond that then it is the end of the agreement but that's again the world according to Pat.

Council member Thatcher asked what is the time frame on this.

Mayor Monahan said well they want to have this done by the 12th of July. I think if we give them a response back and then we can take a look at what they say. I don't think we ought to have a gun to our head.

Douglas Gil asked how big is this land that you guys are talking about.

Mayor Monahan said they are basically putting a frame around the village as it is and saying you can't expand, That isn't acceptable. The question is what is acceptable and then you deal with it.

You always have to keep your options open. I wanted to make sure this was all out here because this is not an easy discussion.

Douglas Gil said we want to grow but say we agree and then someone is going to come and they are going to put condominiums in there.

Mayor Monahan said the one thing that crossed my mind and I think at some point in time, if you ever look at the sewage plant that Delaware County put up on Moore Road, if you try to put that sewer all the way down here you probably would have to dig one hundred feet into the ground. One other thought we could have is right now if you ever want to use our sewer you have to annex into us. We could also take a look at what if we were to provide sewer service at an escalated rate. We pay a pass through. Our sewer system is a pass through. Any other questions?

Shirley said Chris prepared something for council tonight regarding this agreement and asked him to explain it.

Chris said he is familiar with JEDDs and CEDA agreements. I am the village engineer for Ashville. I have been with them for fifteen years now and when Rickenbacher came in we negotiated JEDD and CEDA agreements for that. What I do is look at the engineering aspects of it and what we have. Our guiding document has been this for our expansion area which is the 2000 agreement with the City of Columbus for sewers. They have stated before that they will not go beyond the boundary for us. A few years back when a property north of Twin Lakes wanted to come in the City refused to break the tributary area. Basically when the Moore Road plant was built the economy tanked and it sat there empty and it just started being used. They actually need more flow into it. I took all the exhibits that Concord provided and color coded it onto one map. Right after 2000 the City of Columbus purchased additional land in Concord Township. In 2004 when Tartan Fields was expanding the County actually permitted and platted a portion of the 2004 plan into our tributary area. With the agreement that has been presented, the only one that is permitted without them protesting is the property adjacent to the cell tower site. This is conditional which means they get a seat at the table on the negotiations. There is actually a stub road out of Tartan Fields that goes towards these three parcels that are owned by Roger Baker. When it is conditional like that the County and the Township can do a toss up because what drives development, and Pat is right, the County requires 1.25 acres for sanitary onsite. Sanitary is really what drives the bus in order to have development. There are two ways to do that. Either we extend up that way to serve them. The eventual goal would be that we extend to serve it. There are various methods to do it. There are vacuum systems, pump station, gravity systems, or a combination of those. The yellow area is where they get a say in it. They could come in and say they can service it today. They can extend service to these parcels right now. I don't know the legal end of it but if we can't then they are likely to serve it which means it stays in the township and the county. Exhibit C is the area in pink and they are saying we cannot offer annexing to those areas. I pulled up the county's sanitary sewer master plan which they actually have this area in their Moore Road plant. We are miles from Moore Road but as development moved south of Moore Road whether it is at the old juvenile facility because the City of Columbus is going to have to have some sort of sewer there. They are building a water plant there so they are going to have to have sewer. It will have to go to Moore Road which will bring it all the way to Home Road. There is a natural divide, Twin Lakes is sort of the natural divide to it. They have it in their area to be served. They don't know what that future is yet. How far down

that road that is but it is in the future. With that being said there are portions of this that can be served today by extending the Tartan Fields system. When I saw the annexation and the JEDD agreement, what I looked at was where does that put us in the long run. We won't be able to go up there. They are literally saying we cannot go into any of the pink area on his map. We can't serve it and we cannot expand there. If someone calls and says I bought twelve of these lots and I want to build here we can't offer the sewer system to them as part of this agreement.

When we did this in Harrison Township in Pickaway County the divide line was a good mile and a half north of Ashville. We are a good twenty years from even reaching that. Lucy Depp is a different layout but it isn't radically different from what the village was in the 80's. There is going to be a point where the EPA says hey, you have to get sewers because they discharge right into the reservoir. Whether it is five, ten or twenty years down the road. Sometimes when you look at long term projections twenty years from now, twenty years ago is when you got sewers here. I would imagine sometime in the next twenty years they will be forced to get sewers.

Mayor Monahan asked what do you think the possibility of Moor Road serving them in that time.

Chris said if someone were to come in here with a piece of land to develop the County will turn around and serve them out of Tartan Fields. They can change the tributary for Tartan Fields and extend it. It is not that hard to do. They can put a pump station in and just pump it over.

When I talked to Columbus several years ago they were very respectful of the boundary for the Moore Road plant ended at Twin Lakes. When we met with them the City of Columbus was not going to get into an argument with Delaware County. They were absolutely not going to cross that tributary boundary.

Mayor Monahan said I think what we are banking against is what is the probability of us going into Lucy Depp.

Chris said the probability is eventually we are going to. They will have to get sanitary service. They will be forced to get it. It is a known problem with the EPA. If they were incorporated they would already have it.

Mayor Monahan said it wouldn't be illogical if we said to them we will not sign away anything for Lucy Depp.

Chris said giving this up is a little odd. I just got involved in this recently. This is an agreement based on Evans Farms which is ten miles away in Orange Township. Concord Township is getting a lot out of this.

Mayor Monahan said they are proposing a lot. That is why we are having this discussion.

Chris said when we did the JEDD down in Pickaway County, Ashville gets a decent amount of money but it is not tremendous.

Mayor Monahan asked if there were any other questions for Chris. He said everything we have seen has been their draft proposal.

Council member Hanna said first round of negotiations, right.

Mayor Monahan said yes and if we were to go back to them, I would say hands off on the four things I said plus Lucy Depp.

Council member Hanna said when you go back to them with another proposal would you say up to Twin Lakes.

Council member Thatcher said no you would just cover this, the sewer service agreement with Columbus.

Chris said yes, what the City of Columbus has already agreed to with us. We are not giving up land at that point.

Council member Thatcher said especially if Concord and Columbus have their thing with it too.

Chris said Columbus is not giving up land. They are not giving up land anytime soon anywhere. They are very specific about it.

Mayor Monahan said I think that gives us enough. Kind of a lot of light on it.

Brian said can I see copies of what you just talked about said because I will be honest I am kind of on an island here.

Mayor Monahan asked if there was any other miscellaneous business.

Brian said it might be just the county and the township talking just to kind of bolster their position but they county is trying to move this through fast. I don't want you to think you have all the time in the world and you come back with a proposal because my conversation with Rob Platte he has been pretty clear, at least in their mind, that agreement, save for lets actually make it read better, the nuts and bolts of it are what they want to agree to. I just don't want you to be surprised. It could go one of two ways. You enter into some negotiation and you guys go back and forth. Just so you know I have not been negotiating with them. I took a look at what they sent over and I sent it over to you and then Rob sent me a second version of article 2 because he rewrote it and added some exhibits and pushed that out to me. I have not sent anything back to him. I just want you to be mindful of it. I could send him something back and he could say sure let's start all over talking about this or he could say no, sign it or no, you are out of the JEDD. I just don't want that to be a surprise.

Mayor Monahan said that is why we are having the discussion. You and I will talk some more. If they come back that way.

Brian said they wanted to get this done as soon as possible. You guys have a special meeting in the next two weeks and you can get something done and hammer it out by the middle of July so

they can have a meeting on July 10. I want you all to be very clear about that. I am not pressuring you but that's where they are at.

Council member Hanna asked who wants to have the meeting July 10.

Brian said I think it is the County or Concord Township.

Mayor Monahan said theirs is on the 10th, ours is on the 8th.

Brian said they want it signed, sealed and delivered so they can go back to Orange Township.

Mayor Monahan said lets come back with something that we think we can live with. It will be in front of you guys for a vote and then if they say no to us, then they say no to us.

Shirley said I think Council should talk about it then, like right now.

Brian said yes, you have to talk about it.

Council member Thatcher said or just have another session.

Mayor Monahan said we can have a special meeting next Monday night.

Council member Hanna asked if Brian was going to go back to Concord with a revised proposal.

Mayor Monahan said I am going to talk to Brian. Take kind of what we talked about here. Put something together. Throw something back at them.

Brian said what have we talked about here. I don't have those maps, so what have you talked about really to be able to put words on a page.

Council member Thatcher said I think we agree that the Columbus boundary is minimally what we would accept.

Shirley said our sewer service agreement; we do not want to change it. Is that what you are saying?

Council member Hanna said pretty much.

Council member Thatcher said I think that would be the most fair. I think that would be the only place we would be able to grow anyways.

Council member Matney said I still think you need room for exceptions in there though. It's a finite 99 year whatever. Things could change, development could change.

Shirley said you don't want to cut yourself off from growth especially when we need income tax money and we need growth in order to survive. If we don't grow we are stagnant.

Mayor Monahan said I wouldn't give up anything that is Columbus. Give them the right to annex. I believe that it is important that we put something in there that says unless two more JEDDs would occur after the Evans Farms that it would negate the thing at three years.

Shirley said I get calls all the time from people that want to annex in who are adjacent to us. Why should we say we can't do that for three years.

Mayor Monahan said that wasn't what I said. I said that anyone with contiguous land would have the ability to come in under 1.25 acres. That way if someone on South Park wanted to annex in the same rule exists. Does that answer part of your question Brian.

Brian said part of it because you said you wanted to keep the Columbus owned property, that whole three year thing. They have three JEDD areas showing on Exhibits C, D and E for what will be the next JEDD expansion areas for them.

Mayor Monahan said and we have first right of refusal for anything west of the Scioto River all the way through the entire township.

Shirley said Concord doesn't have any JEDD areas now so anyone can put on a map these are our proposed JEDD areas.

Council member Thatcher said Concord doesn't get anything if they don't have us as a partner.

Shirley said we don't need an agreement, if they want to do a JEDD they are going to come to us anyways.

Mayor Monahan said we would be the most appealing but they could go to Delaware. Does that give you enough to work with Brian?

Brian said I am confused about this 1.25 acres.

Mayor Monahan said we have people that contact us to annex in. In Concord Township, I think you have to have an acre and a half to build. Anything under that, if they are contiguous they can come to us and annex in.

Brian said is that area already encapsulated in the pink area that Chris was talking about.

Council member Thatcher said yes.

Brian said then you don't have to worry about that.

Shirley said no not South Park. Logan and Mohican were the only ones that were conditional. South Park is north of Buckeye.

Council member Thatcher said they are in the pink area. The conditional area is the green area.

Chris said that the proposed agreement with Concord does not include the pink area on his map.

Brian said so you want to include all of the pink area and what.

Chris said we want to keep it like this. The entire area that is within the blue line on his map. This is the Columbus sewer service area that we agreed to in 2000.

Brian said to keep that in the conditionally permitted area or the permitted area.

Shirley said it should be permitted, not conditional.

Chris said if the EPA comes in and says they need sanitary sewers I think that will dictate where they can go.

Brian said I don't think so. I don't think that's a deciding factor. I don't think they have to worry about that. If they say no, they can say no, then you will have a fight over is your saying no unreasonable.

Mayor Monahan said what I would propose is that we have a special meeting next Monday night to see where we are and we will get something to them. Like Brian said they may say no altogether and that will end the conversation. If we get some conditions we can come back and see if they are reasonable acceptable.

Brian said do you guys want a new version of the agreement to look at next Monday. I will not be able to attend that meeting.

Council member Thatcher said that is really the only time we can do it if we are going to see it before hand.

Council member Matney said I certainly agree that what they are proposing now is not acceptable.

Adjournment

There being no further business, it was moved by Matney, seconded by Thatcher to adjourn until July 8, 2019. Following vote on the motion is recorded: yea, 5; Gates, Hanna, Matney, Stacy and Thatcher. Nay, none. Chair declared the meeting adjourned at 8:32 p.m.

Fiscal Officer

Mayor