

Village of Shawnee Hills Council Meeting Minutes

April 13, 2020

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 Craig Thompson and Solicitor Brian Zets

Minutes

It was moved by Matney, seconded by Thatcher to approve the minutes of March 9, 2020. 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 Matney 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 he has been working from home since March 18. Obviously, we had a lot of issues related to the pandemic and those were sort of rolling as they came out. We started with the Auditor giving guidance on open meetings, then we had legislation, but we worked our way through that and we have this wonderful meeting set up here which is fully compliant with HB 197 so I am super excited about that. Also on a COVID 19 related thing, we worked on an agreement with Battelle with respect to N95 mask decontamination.

I started working with Mark on the Osage Woods PUD. There is an idea that the PUD application will be submitted sometime soon. Assuming that Mark gets it and it is in a preliminary/final plan and is complete, he will forward that to me for the legislation to draft and I will send the legislation and everything will go back to the planning commission where they will start to look at it and it will eventually get to council.

There is a parcel in the village, lot 3579 that was not sold in foreclosure so the village was sent a notice that the village could possibly acquire the lot by forfeiture so we looked into the means to do that and I talked with the Mayor, talked with Craig, and we filed a petition with the court to receive the parcel by forfeiture and the court granted our petition. The parcel has been transferred to the village. The next step the village has to do is file a property tax exemption form which I will be doing for you.

Village Administrator

Craig Thompson gave the following report:

- Glick Road Storm Water Improvements: No additional information. At this point, the plan is to advertise for bids by the end of April and open bids in May.
- Plat Map in County Auditor's Office: No additional Information.
- O'Shaughnessy Crossing: Drainage Easement has been reviewed, signed, and sent back to the City of Columbus.
- Village Pump Station: Discussed internally with Staff and UST the need for the installation of a Standby Generator back up system. Have received one estimate and are looking to secure 2nd estimate.
- Minton-Myers Easement for O'Shaughnessy Project. I have received the signed easement and will have the document recorded.
- MORPC: Russ Baron and I met with MORPC via teleconferencing to discuss options for meeting teleconferencing.
- Zoom Meetings: Worked with Russ Baron and Mike Koren on the Zoom account for remote meetings planning. Many thanks to Mike for his technical assistance and work.
- I talked to Chris about the village repaving program. We will be putting together a list by the end of the month and come back to council with our recommendations.
- I also want to thank all the employees, both in the admin building and the police department for coming in and ensuring that the essential village services are being provided.

Police Chief

Chief Baron thanked Mike Koren for all of his work on getting this zoom meeting set up. I have attended more meetings than I have fingers and toes to count in the last couple of months. The one piece of legislation is a mutual aid agreement. That was signed back in 2012/2013. About ninety percent of the Chief's on that list are no longer with the agencies so the Sheriff wanted to get this updated.

Council member Matney asked if there was a reason that this had to be an emergency.

Chief Baron said they have asked to get the signatures back as soon as we can. To get that updated with the COVID 19 situation we have been helping each other out a lot. There is a need to get that back quickly.

Council member Matney asked if it was the same agreement that has been going on but a lot of the names have changed is that right.

Chief Baron said pretty much all of them except two or three.

He said Brian talked about the Battelle contract disinfecting the masks up to twenty times each. We only have 35 masks but we are working on getting more. With the Battelle contract that should stretch the life out. Our burn rate thankfully has been very little here. We have gone through more gloves and surgical masks.

Staffing – we are down five officers for various reasons. Linda Goetz was here previously. She asked about a month and a half ago if she could come back to work here. Linda was a fantastic employee. The mayor swore her in the other day.

I sent the first quarter report out this afternoon. It was sad given the COVID 19 situation. We are answering priority only calls and taking reports at the police department. We are trying to keep everyone as safe as we can. We do ask that if a resident has a non-emergency situation that we can handle over the telephone to call our dispatch line at 740-833-2800.

I want to thank the residents that volunteered to help the community members if needed and also Mike Prickett from Hummingbird Tattoo. Today he provided all of our officers with cloth face masks with removable filters.

The last thing I have is that I want to urge everyone to make sure that we are getting good sources of information. Just because it is posted on Facebook does not mean that it is true. There is a lot of animosity floating around out there, especially as this goes on and I just want to remind everyone to use solid information sources.

Visitors

Rob Platte, Delaware County Economic Development, said we started this JEDD process about a year ago in discussion on putting something like this together. It has certainly been an endeavor. I think we were at probably August or September of last year when we kind of got a final version of everything and it was supposed to come to you, initially, all the parties in October. This has been a long span and some things have changed with Orange Township specifically. They have had a trustee change, a fiscal officer change and a township administrator change. On March 16, as you are all aware, there were some changes at their hearing. Orange acted first. March 16 was their public hearing and they ended up approving it. I sent out a red line version of everything and I will walk through that. These JEDD hearings are set up in such a way that any party to a JEDD holds a hearing and considers changes that are presented in the hearings that are different than what was actually published and put on display which is required by statute. Orange and Concord has adopted changes that were brought forward March 16, not only to the contract, but the income tax agreement and the map, and what is coming to you tonight is that revised version. Legally what we have is the original version put on display through the process and at the end of these hearings then there are changes they are requesting. What is before you tonight is you have to decide do you want to adopt the changes that were made or recommended or do you want to say no to any and all changes or some version thereof. At this point, you certainly have the right to make other changes, adopt, or deny, whatever you want. If that happens it just goes back to the other parties.

I had the question about how did this all come about. My understanding is that after the changes that took place at Orange, there was follow up discussion with the developer and/or developers. There was some acquisition of properties and merging from the original parcel map. There were

five properties that represented about 55 acres between Evans Farm Land Development, BZ Evans and there was also a private property that was in the process of being transferred. Because of this time span a lot of that has changed and now we are up to nine parcels for a total of 90 +/- acres. They are getting closer to the original intended amount of the commercial size of the development. I was at the Orange trustee hearing on the 16th and the map was delivered about five minutes before the meeting.

When we ran our original, extremely conservative, revenue estimates for everybody, Shawnee Hills was anticipated to receive about \$38,000.00 at total buildout. Based on the changes in the contract there was a reduction in the income tax effective rate but there was also the addition of the added parcels and we did not run the numbers on the full build out of the commercial originally. That number is 732,000 square foot of commercial so we kind of factored that out and took it out to a conservative number of employees per square footage and then took a base salary of \$15.00 per hour to try to get everybody updated numbers. When you take it out to full build out Shawnee Hills estimate is \$46,820.00 annually.

When it comes down to it, through the hearing process, not before and not after, through that process when you create a JEDD is when the property owners and the developers sign the petition to actually involve their properties. Up until those are signed there is a little bit of an unknown on whether or not they will agree.

The major points of the changes are:

1. The acreage increase.
2. The makeup of the Board changed. The developers wanted to be able to name who the third and fourth board members are. By statute one of those members of the board has to represent the businesses, one has to represent the property owners and then the first four members appoint number 5.
3. There was also a change in the split of net revenues. Shawnee Hills was not affected by this. The property owners and the developers wanted half of the total net that was left which was 65%.

I am happy to answer any questions that you have.

Mayor Monahan said I hate when changes are made at the end because you don't get the chance to take a good look at them. I find two things disturbing: one is that they made it 1%. I am glad that they upped the acreage. The other thing is it looks like they stacked the Board. We have one seat on the Board. We want to be a good partner in this.

Council member Mathews said I felt like we did jump through hoops and a lot of this is based on our future participation in available JEDDs in Delaware County. Is this typically how the negotiations go with these things, that it can be changed at any time or is this something that it is just this developer, the way they handled it. There has been a huge amount of time and we have been sitting for five months now.

Rob said this process was not normal. Obviously, there were some changes there. Normally when everything is being discussed and you are trying to get to a final version, normally the property owner or the developer is anxious to have the JEDD in place because the JEDD Improvement Board collects money to reimburse them for their costs. In this case, the developer has other mechanisms in place to where the JEDD is not the only thing that they would be able to

utilize for reimbursement. Maybe in that sense it kind of comes down what the importance of it is to the developer. It is not an ideal situation in the sense of you need those petitions signed and they cannot sign them until the JEDD contracts are put out for public display and that is what they are signing, that they are in support of that JEDD. I honestly feel that this is a unique situation because normally you have a developer that says I want the JEDD in place and I want it now so I can start generating revenues so that I can reimburse my expenses. I am not sure that was the case here. I think they were okay with it but in the end, they seemed to be a little bit leery of the 2% income tax and whether or not it would affect the commercial businesses desire to come in or not. I do not know if that is necessarily the case. I definitely would not call this normal.

Council member Mathews said I want to be known as a good partner but I don't want to be known, on future JEDDs as hey you know what, these guys will just take it, do whatever you want because they need cash. That is not the precedent that I want to set.

Communications

Mayor Monahan gave the following report:

Any questions for the Delaware Health Department please call their hotline at 740.368.1700 and there is a selection for Covid –Press #1.

I received this from The Ohio Municipal League 175 S. Third St., Ste. 510 Columbus, OH 43215 April 8, 2020

Dear Congressperson: Thank you for your continued leadership as Ohio and its local governments continue to navigate this ongoing and unprecedented crisis as a result of the COVID-19 pandemic. Ohio's cities and villages are on the front lines of the battle against the spread of the coronavirus. They continue to deliver vital services like sound infrastructure and public safety while law enforcement and first responders, such as EMTs, work to increase capacity and level of care in treating sick Ohioans. The vast majority of Ohio's municipalities are wholly reliant on the income tax as their primary source of revenue. 70% to 80% of Ohio's cities' and villages' general operating funds is revenue generated through their municipal income tax. Because of this, Ohio's municipalities are especially vulnerable to the coming economic impact that will devastate many local budgets. According to a report by the Brookings Institute, Ohio's municipalities will be the hardest hit nationally by the economic impacts of the coronavirus. From the report, the top five cities in their list of municipalities across the country that will have the most immediate economic impact from the coronavirus are all Ohio cities. Our cities and villages will experience a swifter and more acute impact financially than other cities across the nation. As more of our residents file for unemployment, Ohio's cities and villages face a financial crisis that jeopardizes their ability keep their residents safe. We ask that Phase 4 of the federal aid package contain municipal stabilization funding. Without a substantial financial injection, municipalities will be forced to consider staffing cuts to critical services such as water plants, health departments, sanitation services, and first responders such as police and fire personnel. These cuts would be devastating in midst of the worst public health crisis in American history. Additionally, municipal stabilization funding will provide a financial lifeline, allowing cities to survive the economic shut down and preventing cities from having to make deep cuts with reverberating consequences throughout our regional economies

and prolonging our economic recovery. Thank you for your consideration of this request.
Sincerely,
Kent Scarrett , Sharon Cassler, and Jeffrey Hazel

Mayor's Report

Mayor Monahan gave the following report:

These are difficult times and I just want to recognize what a great job done by Governor DeWine and Dr. Amy Acton. Their proactive, honest and professional approach has proudly made Ohio stand out.

I proudly thank our residents, Police and the rest of the Village staff for working during these difficult times.

As a reminder, we MUST maintain the social distancing. We owe it to each other.

P&Z members received from Mark a notice in conjunction with The E Osage follow up proposal:

All,

The next Planning & Zoning meeting is the 26th of May at 6:30. Format is dependent on the situation at that time.

Please make sure you respond to the Census. It has a lasting impact on us as a community.

As a reminder, we now have many people working at home. I do believe many people and companies will realize it is very productive. It isn't for everyone and every company. I suspect more people will remain working at home.

The State Legislature put a 30 day hold on what is normally a requirement to start paying income taxes to the municipality after 20 days of working in the municipality. I do ask that if and when our residents realize they will be working at home, they have their income taxes designated at 2% for Shawnee Hills through RITA. Thanks, it will make a big difference to our community.

PLEASE support our businesses during this difficult time and they can help all of us.

PLEASE BE SAFE! We are in this together!

Pro Tem Report

Pro Tem Mathews said to Shirley, Russ, Mark and Craig. I know if you only get half the COVID emails I get you guys are busy. I see Russ's updates and I know he is extremely busy. I appreciate the work that you guys are doing. Also this stuff with the JEDD and with COVID, finances are something important. This is a six-month trailing thing that we are not going to see the effects of this thing for some time and I do think we have to be aware, as we get towards the end of the year, for not only this year's budget but for next year's budget as well.

With that said I get the Ohio Municipal League emails as well and I think we should take advantage of every grant or loan or anything that the government is willing to offer the municipalities. I know a lot of the Police costs are going to be reimbursed which will help us on the budget.

Council member Hanna asked Brian what his thoughts were on the changes that were made to the JEDD.

Brian said I think I shared some of the same things that I have heard already from the Mayor and Dan. The fact that the powers that be came to this agreement and then gave it to you guys I don't know how I would take it but that is the situation that you are in now so you have to determine what you want to do. Like Rob said eventually council can accept it with the changes that were made or you could just flat out reject it or you could accept it with your own changes. If you make changes it has to go back to the rest of the parties to see if they agree to it. You could just get into a never ending loop of changes and the polices going back and forth and I am sure at some point the developer wants this to come to some sort of fruition.

Council member Hanna asked who made the changes. Brian said I am not sure who requested the changes as I was not part of that discussion.

Public Hearing on Evans Farms Joint Economic Development District.

It was moved by Mathews, seconded by Matney to open the discussion of the public hearing for Evans Farms Joint Economic Development District. 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.

Mayor Monahan said I would say that lessons learned on this. I think we have the opportunity to pull in some money and I would like to operate on good faith. Maybe we should have been attending those meetings. We want to be a good partner in this.

Council member Mathews said if we are invited into future JEDDs is this something that we can ask to meet the developer. We have never met the developer. Do we ask to have a seat at the table initially or is this something that happens over paperwork.

Council member Stacy said if anyone comes in in the future, they are going to come in at 1% because we already caved in to it.

Mayor Monahan said it behooves the developer to get the 2% in most cases.

Council member Mathews said when I read the changes I was pretty mad and then I went back and looked at the email chain and I then I thought I have to put myself on the side of the developer and Orange and I saw they cut the income tax and then I actually saw that the commercial area had almost doubled. I think the mindset of the developer is that Shawnee Hills is a partner and they only deserve x amounts of dollars, however we can get to it.

Mayor Monahan said they did it to Orange and themselves also, dropping it like that.

Council member Mathews said I think they were looking at what type of businesses they can attract based on that interest rate. I don't know. It's a bit of a gamble for them. They may be leaving money on the table as well.

It was moved by Mathews, seconded by Gates to postpone the public hearing until April 27, 2020. 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.

Legislative Actions

First Reading- Resolution 03-2020- A Resolution authorizing and directing the Village Administrator to execute a Health Care Insurance renewal for full-time employees of the Village of Shawnee Hills and declaring an emergency.

It was moved by Hanna, seconded by Thatcher to suspend with the second and third readings and declare Resolution 03-2020 an emergency. Following vote on the motion is recorded: yea, 6; Gates, Hanna, Mathews, Matney, Stacy and Thatcher. Nay, none. Chair declared the motion passed by a 6-0 vote.

It was moved by Matney, seconded by Hanna to adopt Resolution 03-2020 as an emergency. Following vote on the motion is recorded: yea, 6; Gates, Hanna, Mathews, Matney, Stacy and Thatcher. Nay, none. Chair declared the motion passed by a 6-0 vote.

First Reading – Resolution 04-2020 – A Resolution authorizing and directing the Village Administrator (and Police Chief) to execute a Mutual Aid Agreement with the cities of Delaware, Dublin, Powell, and Westerville as well as the villages of Ashley, Ostrander, and Sunbury as well as Genoa Township and the Delaware County Preservation Parks Authority and declaring an emergency.

It was moved by Hanna, seconded by Thatcher to suspend with the second and third readings and declare Resolution 04-2020 an emergency. Following vote on the motion is recorded: yea, 6; Gates, Hanna, Mathews, Matney, Stacy and Thatcher. Nay, none. Chair declared the motion passed by a 6-0 vote.

It was moved by Matney, seconded by Mathews to adopt Resolution 04-2020 as an emergency. Following vote on the motion is recorded: yea, 6; Gates, Hanna, Mathews, Matney, Stacy and Thatcher. Nay, none. Chair declared the motion passed by a 6-0 vote.

First Reading- Resolution 05-2020- A Resolution ratifying the Village Administrator's and Fiscal Officer's signatures on the Mater Service Agreement between the Village of Shawnee Hills and Battelle Memorial Institute and declaring an emergency.

It was moved by Gates, seconded by Thatcher to suspend with the second and third readings and declare Resolution 05-2020 an emergency. Following vote on the motion is recorded: yea, 6; Gates, Hanna, Mathews, Matney, Stacy and Thatcher. Nay, none. Chair declared the motion passed by a 6-0 vote.

It was moved by Hanna, seconded by Mathews to adopt Resolution 05-2020 as an emergency. Following vote on the motion is recorded: yea, 6; Gates, Hanna, Mathews, Matney, Stacy and Thatcher. Nay, none. Chair declared the motion passed by a 6-0 vote.

First Reading- Ordinance 06-2020 – An Ordinance confirming the Mayor’s appointment of Linda Goetz as a part-time police officer for the Village of Shawnee Hills and declaring an emergency.

It was moved by Mathews, seconded by Thatcher to suspend with the second and third readings and declare Ordinance 06-2020 an emergency. Following vote on the motion is recorded: yea, 6; Gates, Hanna, Mathews, Matney, Stacy and Thatcher. Nay, none. Chair declared the motion passed by a 6-0 vote.

It was moved by Matney, seconded by Thatcher to adopt Ordinance 06-2020 as an emergency. Following vote on the motion is recorded: yea, 6; Gates, Hanna, Mathews, Matney, Stacy and Thatcher. Nay, none. Chair declared the motion passed by a 6-0 vote.

Bills

It was moved by Mathews, seconded by Thatcher to approve the bills in the amount of \$74,657.82. 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 Mathews, seconded by Hanna to approve the following treasurer’s report:

General	182,845.07	Mayor’s Court Computer	1,030.14
Street	195,589.71	Fire	114,450.68
State Highway	21,599.69	Weed	4,019.36
Parks & Recreation	0.00	TIF	32,386.96
PD Body Armor	1,073.83	TIF 2	55,787.91
Cont. Prof. Training	223.61	Veteran’s Memorial	248.97
Drug Law Enfct.	534.41	Sewer Operating	65,517.35
Indigent Driver	385.84	Sewer Replacement	92,795.09
Law Enfct. Trust	8,224.59	Storm Sewer	10,712.62
Enfct. and Education	1,220.85	Debt Service	89,380.55

For a total of \$878,027.23

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.

Miscellaneous

Council member Stacy asked what election date should be put on the absentee ballot. Shirley said March 17.

Council member Hanna asked if a resident wanted to bring a food truck in for a block party would they have to pay the \$250.00. Shirley suggested that he check with Mark on that.

Adjournment

There being no further business, it was moved by Stacy, seconded by Hanna to adjourn until April 27, 2020. . Following vote on the motion is recorded: yea, 6; Gates, Hanna, Mathews, Matney, Stacy and Thatcher. Nay, none. The meeting adjourned at 8:02 p.m.