

Village of Shawnee Hills Council Meeting Minutes

June 11, 2018

Mayor Monahan 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: Douglas Gil

Also Present: Fiscal Officer Shirley Roskoski, Administrator Steve DeBolt and Solicitor Brian Zets

Minutes

It was moved by Matney, seconded by Gates to approve the minutes from May 14, 2018. Following vote on the motion is recorded: yea, 5; Gates, Mathews, Matney, Stacy and Thatcher. Nay, none. Chair declared the motion passed by a 5-0 vote.

Agenda

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

Solicitor

Brian said he worked on zoning issues with Mark and attended Mayor's Court both here and up in Delaware. The last Mayor's court was pretty full and I think tomorrow's Mayor's Court is full also.

Brian said the ordinance and resolution on the agenda tonight in regards to the Shawnee Hills dental look very similar but they are different. The difference is necessitated by the Revised Code. The ORC says that before council can actually grant a tax credit, they have to come to terms with the person receiving it. The terms and conditions of the credit have to be worked out so it is a twofold process where one, you have to have an agreement that actually specifies the terms and conditions of the credit and the only way for council to agree to that is by resolution and then you immediately follow it up with the ordinance which is the piece of legislation that grants the real credit.

Village Administrator

Steve said he just learned today that our Village Engineer Consultant, Chris Tebbe, who has done a lot of good for the village over the last five years is no longer with Pomeroy & Associates. Pomeroy has another engineer and I will be meeting with Brad Smith tomorrow to go over the projects we have been working on. On Chris's behalf he has been very professional and his expertise has benefited the village in many ways.

Mayor Monahan said he has been great to work with.

Steve said the street project will be going out for bid soon.

The annual dumpster day and chipper day went well. I did not hear of any problems and it seems like we had a good turnout with resident participation.

One thing that was more challenging than we had hoped is we would have liked to have the park more green and lush for the summer series of music but there has been some challenges with the weather and other issues that we had to deal with. It is coming along. We did have to sod some areas that we had hoped would come up on its own with seed. It is looking much better.

We had to take out the bench swing but we will put another one in. The Chamber has agreed to pay for another bench for the park.

I want to thank both Rob Thatcher and Douglas Gil for helping to lay sod one Saturday morning. They pitched in along with some other volunteers and the contractor and we got it done in two hours.

I have been working with Chris on the connector path on Glick Road. I was trying get it done this year. We received some funding from Ohio Edison and Dublin said they would participate so I will be submitting a grant from the County called the Trails Assistance Program and we just got the application and it is due at the end of the month. They have \$100,000.00 available countywide.

Every month the local manager's association gets together and I was able to attend their meeting last month that was held in Marysville. We went to the facility that is working on autonomous cars and they took us out on the track and gave us a tour of the area. All I can say is that autonomous cars are a lot closer to home than you think.

The Mayor and I will be meeting with MORPC tomorrow to discuss village updates and then their annual grant seminar is next week and their sustainability meeting is this week that I will be attending.

Visitors

Catherine Mickolick, 103 E. Seneca Drive, said some of you know me and some of you don't. I only come here to complain about Mark Katzenbach. I have my general rule, leave me alone, I will leave you alone. I have had a garden ever since I moved in here. I used to have an open policy with my neighbors, they could come and help themselves. People started trampling the vegetable plants so I put a lock on my garden. Last year my garden was sprayed with Raid. We had to abandon it. This year my garden was poisoned, somebody put weed killer on it so I do not have a garden. I want to put a fence up in my yard. In April we went to the Fence Guy and he went to get a permit. Mark sat on the permit and would not return his phone calls, would not approve it so the Fence Guy came to the municipal building one morning and said look I want to put this fence up, what can I do. Mark said oh, those people, they are jut trouble makers. I know all they want to do is block in the neighbors.

Catherine said we have neighbors that want to cut through my yard so that they can go and mow lots that are in the middle of my property. We have told them to stay out. Last year they went and cut a path through their bushes so they could cut that way and come down the undeveloped East Canoe. This year they are not doing that they are cutting through my yard again and they do not mow every week. If you come and look at it tonight you will see there are foot tall weeds. Mark does not do anything about these people, they are allowed to have it that way. Mark went and said I will allow you to have the permit but you are not going to get a variance because you just want to block in the neighbors and would not allow us to extend our fence. I would like to have a

variance. I am going to pay for it. All I want to do is put a fence where these weeds are. She showed Council a picture of her property. Catherine said if you look at it this way it is just going to this tree. It is the middle of the road so they can still come this way, go down the road and then go to their fences. The neighbors right behind our house, they were allowed to have a variance. They put a fence up so why can't I. I would like permission to have a variance so I can put a fence up and maybe next year I can have a garden again. Steve asked Catherine if she had explained this to Mark at some time. Catherine said Mark does not listen to me and he is not a very nice man so I do not talk to him. Mayor Monahan asked Steve to investigate this and get back to Catherine.

Communications

Mayor Monahan gave the following report:

On May 29th I received a letter from the Ohio EPA:

After a review of the proposal schedule (2 yr extension allowing us to complete the sewer system video surveillance in 7 years instead of 5) and discussion with the Village personnel, Ohio EPA has no objection to the proposed plan for completion of the SSES = Shawnee Hills - Sewer System Evaluation.

This is great news – but still an unfunded mandate!

Paraphrase HB 175:

June 6, 2018 From the Ohio Municipal League

"Urban Farming" Legislation Scheduled for Opponent Testimony

Next Wednesday, June 13th the House Agriculture and Rural Development Committee will hold a third hearing/opponent only testimony on HB 175, a bill that would preempt current municipal ordinances to allow any property owner within a municipality's jurisdiction to keep small "barnyard" animals such as chickens, goats or rabbits on their property.

June 7th:

NOTICE: "URBAN FARMING" BILL HEARING NEXT WEEK HAS BEEN CANCELLED
Yesterday we alerted our members to a hearing that was happening next week regarding HB 175, the "urban farming" legislation that would allow small "barnyard" animals such as goats and chickens to be kept on residential property, preempting municipal zoning laws.

The hearing, which was scheduled for Wednesday, June 13th at 10am, has been cancelled. The House has cancelled session for all of next week, which often results in the cancellation of committees. We will alert our members when the committee has been rescheduled. We appreciate the responses we've received thus far from members willing to testify and we urge our members to call their representatives and express their opposition to this bill.

Email I sent to State Rep Brenner on 6-6-18

Hi Rep Brenner, I am asking for your support in opposing HB 175. This is a health issue and another affront on Home Rule.

HB 175 disregards the needs for local zoning authorities and

ignores that Ohio's cities and villages' rights to determine what is best for their constituency.

Shawnee Hills has dealt with this issue and in strong opposition to creating back yard barnyards.

Thanks for your help!

Pat Monahan
Mayor Shawnee Hills Oh.

Mayor's Report

Mayor Monahan gave the following report:
MAY 2018 MAYOR'S COURT REPORT

RECEIPTS

\$5,654.00 Total receipts

Disbursements

\$1,229.00 Treasurer, State of Ohio
\$47.00 HB 562 IDAT Fund
\$4,038.00 General Fund
\$340.00 Computer Fund

Erik Spaulding
Mayor's Court Clerk

What I want to do is make some comments on the inaccuracies that were in the Gazette.

First I want to correct the inaccurate information that was published in the May 18th Gazette in Carol's legislative review.

"I have sat in finance meetings for more than 3 years now when pay raises have been discussed. Most of the time the raises recommended were \$1 an hour."

My response in the May 14th Mayor's Report: I did a calculation on the raises for 5 employees over their period of respectively 3 to 9 years. The average raise = \$.63 (\$.6236) per year. This also included the promotion of the Russ to Chief and retention of Richard when another municipality was attempting to hire him.

- According to additional figures by Councilmember Gil:
 - Council's per meeting payment has not changed since 2001
 - The Mayor's annual salary hasn't changed since 1993

In the June gazette in Carol's Legislative column – a correction was not made = The raise was for \$.50 not \$1.00.

There were also at least 3 other inaccurate statements made:

For important legislation, such as this to pass by emergency without input from residents is scary. Granted this was just a procedural vote, but other items could “sneak by” without any residents being the wiser. An example is there was a pit bull ordinance passed years ago that outlawed pit bulls. This has since been struck down.

The statement it has been struck down by the Ohio legislature was correct. Council at that time realized there are many responsible pit bull owners and many good dogs. This was in response to two pit bulls owned by a less than responsible residential owner that ripped up another residents older Golden Retriever to the tune of over 80+ stitches.

The inference that this was snuck buy is a lie! Ordinance 23-2011 had 3 readings:

Sept 26, 2011

Oct 10, 2011

Oct 24, 2011 and passed unanimously.

I realize this legislation occurred during the 13 years that you, by your own admission, never attended Council mtgs. I would recommend that before making disparaging statements, you may want to check the facts!

2nd =The Ohio Revised Code has a ceiling for a mayor’s pay for an incorporated village. Shawnee Hills is at the top of that ceiling = this is incorrect as quoted in the May 14th Mayor’s Report hadn’t been changed since 1993, No one was asking for a raise just stating what Council Member Gil had included in his research material.

3rd as discussed at multiple Council meetings, Ordinance 12-2018 Municipal Income Tax had no impact on the amount of income tax paid by residents. It dealt with bringing our code in line with the Ohio Revised Code. As discussed on a number of occasions, this had been in court and dealt with Tax collection by the state.

We will be scheduling a P&Z Meeting for 6-26:

- To deal with repeat code offenders
- Tighten Blight ord to address deteriorating vacant properties.
- We also need to review and to potentially disallow business curb cuts on side streets that don’t traverse 2 streets.
- We also need to explore the prohibiting of the storage on non-related vehicles / objects on neighborhood commercial or commercial properties.

As of now we do not have any filings for Planning and Zoning. There will be a meeting on 6-26-18 and we need Brian involved in the discussion.

Councilmember Gates asked if she could interject. I would like to just speak to the rest of my council members about what some of the inaccuracies in the Village Gazette really had to do

with us. We have only been seated for about six months and only had nine meetings yet the general tone in the legislative review was that we somehow or another had nefarious intentions with regards to how we pass legislation and I think the Mayor spoke about that. I know at our orientation meeting Council member Gil had mentioned about hopefully this year we would have less divisiveness. We can hope that would be the case but it may not happen. I guess what I am looking at here is maybe an antidote to the Village Gazette and always chasing and trying to correct the information. My idea is just to post the minutes on the Next Door Shawnee Hills. Over forty communities have access to that and my husband has been out and people have approached him and said oh my gosh what's it like to live in Shawnee Hills. My husband would say what are you talking about and they would say things are just awful there. He would ask where did you hear that and be told the Village Gazette. He just ran into somebody the other night who is new on our street and she thought that was the official newsletter for the village. I guess what I am asking is maybe we should come up with some ideas and if that could be something we could do, use the portal for Next Door Shawnee Hills to post the minutes. We will probably still be doing some catch up but if people are interested they would be able to ferret out the inaccuracies versus the accuracies.

Mayor Monahan said the minutes are not posted until they are approved but also to make sure that they access our website to do that.

Council member Gates said her point is the tone. The tone can be positive and like I have difficulty doing this, other people expressed this, maybe we can ask council to do something about that but instead the tone is different so that is really just my concern. We can have the same kind of information in the legislative review that should be really kind of a formal tone because the implication with the word legislative is that this is something that is fact.

Pro Tem Report

Pro Tem Mathews said that Steve, Council member Thatcher, Chief Baron and I attended the economic development leaderboard breakfast in Dublin. It was a discussion on the economic development and everything they are doing in Dublin as far as the roundabout and the area around it and downtown Dublin and given our closeness to the area and possibly what type of overflow we would ache in years to come. It was a very interesting meeting.

Committee Reports

Council member Thatcher said UST met before this. We discussed many of the things Steve put out. The street paving plan is going out for bid on June 28th. We also have the sewer inspection going out for bid. We actually have emergency legislation on the agenda tonight for that. We also talked about the park and the connector.

Legislative Actions

Third Reading- Resolution 06-2018- A Resolution accepting the petition for annexation of +/- 0.280 acres being lots 210, 211, 212 and 213 along River View Drive, near Elizabeth Drive. It was moved by Stacy, seconded by Mathews to adopt Resolution 06-2018. Following vote on the motion is recorded: yea, 5; Gates, Mathews, Matney, Stacy and Thatcher. Nay, none. Chair declared Resolution 06-2018 adopted by a 5-0 vote.

Second Reading- Resolution 07-2018- A Resolution authorizing the Administrator and Fiscal officer to enter into a contract with Tax Exempt Leasing Corp. for a lease purchase agreement for a 2019 Ford F350 Reg. Cab Pickup Truck, Snowplow and Strobe Lighting

First Reading- Resolution 08-2018- A Resolution authorizing and directing the Village Administrator and Fiscal Officer to execute a non-refundable municipal income tax credit agreement with Esber Dental, LLC (D. B. A. Shawnee Hills Dental)

Second Reading- Ordinance 13-2018- An Ordinance to amend Section 921.03 (Rates and Charges) of the Codified Ordinances of the Village of Shawnee Hills, Ohio.

First Reading- Ordinance 15-2018- An Ordinance to authorize the Administrator and Pomeroy & Associates, LTD. to issue a competitive bid package related to the sanitary sewer cleaning and CCTV of the sanitary sewer lines project for the Village of Shawnee Hills, Ohio and declaring an emergency. It was moved by Mathews, seconded by Gates to suspend with the second and third readings and declare Ordinance 15-2018 an emergency. Following vote on the motion is recorded: yea, 5; Gates, Mathews, Matney, Stacy and Thatcher. Nay, none. Chair declared the motion passed by a 5-0 vote. It was moved by Mathews, seconded by Thatcher to adopt Ordinance 15-2018 as an emergency. Following vote on the motion is recorded: yea, 5; Gates, Mathews, Matney, Stacy and Thatcher. Nay, none. Chair declared Ordinance 15-2018 adopted by a 5-0 vote.

First Reading- Ordinance 16-2018- An Ordinance granting a non-refundable municipal income tax credit to Esber Dental, LLC (DBA Shawnee Hills Dental)

Bills

It was moved by Mathews, seconded by Gates to pay the bills in the amount of \$66,855.12. Following vote on the motion is recorded: yea, 5; Gates, Mathews, Matney, Stacy and Thatcher. Nay, none. Chair declared the motion passed by a 5-0 vote.

Treasurer's Report

It was moved by Matney, seconded by Stacy to approve the following treasurer's report:

General	256,550.15	Fire	18,609.71
Street	111,350.66	Weed	6,993.90
State Highway	14,552.13	TIF	1,581.62
Parks and Recreation	1,203.02	TIF 2	28,896.08
PD Body Armor	406.40	Veteran's Mem	248.97
Cont. Prof. Training	4,278.15	Sewer Oper.	18,364.49
Drug Law Enf.	283.41	Sewer Repl.	192,719.87
Indigent Drivers	385.84	Storm Sewer	3,797.43
Enfct. and Education	1,160.85	Debt Service	189,309.09
Court Computer	4,297.88		

For a total of \$854,989.65.

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

Executive Session

It was moved by Mathews, seconded by Gates to adjourn from regular session and move into executive session pursuant to R. C. 121.22(G)(1) to discuss certain personnel matters, in particular, potential discipline and invite in the Mayor and Legal Counsel. Following vote on the motion is recorded: yea, 5; Gates, Mathews, Matney, Stacy and Thatcher. Nay, none. Chair declared the motion passed by a 5-0 vote.

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

Adjournment

There being no further business, it was moved by Stacy, seconded by Mathews to adjourn until June 25, 2018. Following vote on the motion is recorded: yea, 5; Gates, Mathews, Matney, Stacy and Thatcher. Nay, none. Chair declared the meeting adjourned at 7:50 p.m.

Fiscal Officer

Mayor