

Village of Shawnee Hills Council Meeting Minutes

October 10, 2016

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

Council in Attendance: James Gauldin, Douglas Gil, Dan Mathews, Mike McVan and Josh Vidor

Absent: Mahesh Dalvi

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

Minutes

It was moved by Gauldin, seconded by Vidor to approve the minutes from September 26, 2016 with the following amendment: Solicitor Brian Zets was absent. Following vote on the motion is recorded; yea, 5; Gauldin, Gil, Mathews, McVan and Vidor. Nay, none. Chair declared the motion passed by a 5-0 vote.

Agenda

It was moved by Mathews, seconded by Gauldin to approve the agenda with the following amendment: add an executive session to conference with the Solicitor concerning a dispute involving the public body that is the subject of pending court action. Following vote on the motion is recorded; yea, 5; Gauldin, Gil, Mathews, McVan and Vidor. Nay, none. Chair declared the motion passed by a 5-0 vote.

Solicitor

Brian said a couple of big ticket items took up most of my time. Worked on different zoning issues and one of them is the legislation tonight that has to do with accessory structures and that came out of the planning and zoning meeting which was September 27th. There were some other ancillary issues that aren't reflected in legislation tonight but they have been worked on. I also worked with Steve and Chris on the property development issues concerning the properties on W. Reindeer. I also had a pre-trial in Delaware County on September 8th, 19th and then Mayors Court here on the 21st. We had a suppression hearing on the 29th that turned into a change of plea hearing so that was a good result on an OVI case that we got taken care of.

Village Administrator

Steve said a question came up at the last meeting regarding trees whether they be on private property or in the right of way. I went out and looked at those that were brought up and those happened to be in the TV cable lines and the cable company is not concerned. If it affects the service because the lines came down then they will come out and fix the line.

Edison comes out every two years to trim back and I am sure they will come out for a special need if necessary.

For private property it is still between the property owners. I guess we can take it a step further and say if we really want to address that we can see what other communities do in that regard but it is really between the property owners to take care of the situation and hopefully resolve it on their own.

Mayor Monahan said I would like to see where if there is something like a dead tree hanging over someone else's house if there was anything that could be done like that.

Jean Nolan said a lot of us walk around the neighborhood with our pets and otherwise and I've tried to avoid that particular location because of a huge tree limb that is hanging out quite a distance, broken off, ready to fall. Steve asked what tree? Jean said it is on E. Muskingum. Jean said there are green cones and tape around the tree right now. Mayor Monahan asked Steve to take a look at that.

Steve said the other thing we talked about at the meeting that if there is a public safety concern maybe we can take some action.

Deborah Ariss said going down Mohawk here you've got power lines going down here. I live at 59 E. Mohawk. Across the street from here you've got power lines going all through those trees. Down at the end of the street you've got all those dead shrubs and everything else out there too and there's actually posts, trunks, and dead trees sticking out and if you are walking you never know if something is going to be falling out of those trees and hitting you. Even all the way down Dublin Road here. Steve asked its dead? Deborah said its dead stuff because you can see debris and everything all down the sidewalks. Right across the street here if there's a power surge or lightning hits you've got all those trees right across the street from me that in the midst of the power lines and it's going to cause a fire, its going to cause everything else going on there.

Steve said if they are in the habit of coming every couple of years, who knows, maybe their due.

Deborah said if it is on somebody's property they need to take care of it. Steve said you are saying it's in the power lines. Deborah said no, it's on certain individual's property and they need to have it cut down or cut back, one way or the other.

Mayor Monahan asked Steve to take a look and I know what she is talking about. If you get down towards the trail there is a lot of brush.

Deborah said no it's not there, its right across the street here, directly across the street on Mohawk, going down this way, its right on the left of the street. There's a bunch of apple trees, there's a bunch of trees through there that need to be cut back. They were misplaced in the beginning and those need to be cut back and taken care of. Also there is other stuff on E. Riverview here. I have been going out there and mowing that stuff myself to keep it cut back. Nobody is taking care of it and I walk my granddaughter over there because it is shaded during the day and I don't want to do something that I am paying my tax dollars for to take care of.

Steve said what if you and I go out and take a look at what you are talking about. Deborah said I have been asking for that for four years now. For four years, I have asked for somebody to take care of the path going across the street beyond me and everything else and nothing has ever been

done about it so I am here tonight. Forgive me, this is my first time here and I will say my piece regardless if anybody likes it or not and you people are my neighbors or whatever and I have nothing but respect for you whatsoever but when you have people here paying a large amount of dollars for property values here they need to step up and take care of this crap going on here.

Steve said the stop bars are all done. The only thing they need to do is some of the corners. Chris, Brian, Mark and I met some residents Friday, it was our second meeting with them regarding some drainage issues on Reindeer and Chris did provide a plan to them. They were not satisfied with the plan based on where the ditch was so they are proceeding with an engineer of their own.

The next economic development meeting is on the tenth and we have some things to present to the finance committee tonight.

The next grant submission is due on the fifteenth of November for the bike path.

Council member Mathews asked Deborah Ariss if any of the property she mentioned was village property.

Deborah said no it's not village property. There are two properties concerning about it. There is one right beside of me and the other is a ravine that has been up for auction or whatever because people don't pay their property taxes. So right now, as of today there's another big trash dumpster being delivered at the back of the Animal Hospital here which I don't think if anybody knows of any remodeling things going on here at the Animal Hospital or not but I'd like to know if there is any remodeling going on at the Animal Hospital because I surely love animals and if that's what they're doing by all means. If there is something going on at the ravine over there I'd like to know simply because they put in a new road, they put in a new parking lot over there and all this stuff was more or less agreed upon from the code enforcement. They made the road wider and did not trim back anything over there and frankly that lot is not big enough to build on but based on what I've seen around here, hell you can build a damn two by two cabin here in Shawnee Hills and everybody will approve it.

Mayor Monahan asked Steve to take a look at this.

Police Chief Report

Chief Baron reminded everyone about their quarterly meeting on October 26th at 6:30 p.m.

Visitors

Catherine Mickolick, 103 E. Seneca said I am here today to talk about code enforcement because I feel as if I am being harassed by the code enforcement officer. Mr. Mayor if you remember a few years ago when Ed Swanson was here I complained about my neighbor and his brush piles. When Mark came he went and started harassing me and getting me for code violations and he did that with my elderly neighbor behind me. Ed went and talked to him and told him he wasn't allowed to do that anymore. Now that Ed's gone I am being harassed once again. So I'd like to start with a letter that I received on Thursday of last week for a code violation for my car. Now I have an unregistered car in my driveway which I am working on donating to meals on wheels but as a working mother finding the title wasn't a priority. So, as you can see, from my car, it was backed into my driveway so it is not as if he drove by and saw this. He cited me on the fourth and gave me two days to get that taken care of. I didn't receive it until the sixth. If you

also see from the letter, the postmark, he's not mailing it from 43065 so why is there a delay, why is it not sent by registered letter. I feel as if I am being harassed and other neighbors around me are being harassed also. If you notice not less than one hundred feet from my car is this brush pile. This has been here over a year. I have talked to Mark about it. He has not done a thing about it and if you notice there's now thistles growing up from this brush pile. I'm supposed to follow the code enforcement but this neighbor does not have to, for over a year. I also went and the neighbor in question has a house he is renting out. There are two lots within my property so he does not take care of these pink lots. His renters do not mow that property so a lot of times the grass gets up to two, three feet high. The neighbors that are renting it wanted to come across my property with their mower by driving it across. I'm sorry you don't want neighbor A cutting across your lawn to cut neighbor's B's lawn. We told him to cut it out. After he did that he said fine I'm not mowing the lots so one of the other neighbors went and complained in May or June because the grass in places was three feet high in these lots. Mark should have seen this driving by since he just drives by and sees code enforcements and enforces the law but he did not. Those were not seen. Because he was there because another neighbor complained I was cited because I had not planted my garden yet and there was brush in there. Okay fine I took care of that. At that point we reminded him of this brush pile. He still did not do anything about it. I feel as if I am being harassed and I think something needs to be done about it. I went around the neighborhood and I saw many code violations. One of the neighbors right next door has a whole bunch of furniture just up behind their house. If he is looking at my car and my garden he should have seen that. Another neighbor in the same area, whole bunch of junk there, but I get cited, not any of these neighbors. Then I also have it where the neighbors, I had plants and they conveniently died last winter and it's in the village right of way, which I didn't know at the time so Mark went and told that neighbor, the renters, just drive over her plants, it doesn't matter. That's in direct code violation of you're not supposed to go and destroy anybody's vine yet this neighbor was allowed to plant a garden on the right of way. Nothing was said to him. Catherine was showing Council pictures of these properties as she talked.

Council member Vidor said do you know if there were no citations on these other ones.

Catherine said why was it left to be there all summer. If you were cited you would have taken it down.

Council member Vidor said maybe they ignored it, I am just asking.

Catherine said wouldn't they have been fined. If the village needs money let them fine them.

Steve said you worked with Ed before and I am in Ed's position so I would be happy to work with you. You haven't called to address this with anyone else in the village have you?

Catherine said no, just Mark, but now I want to make it public so everybody knows that Mark doesn't do his job. Catherine said here are more weeds. Mark can't see these weeds, yet he can see everything in my property and here's another brush pile. I understand code enforcement takes a lot of work but if you are not even going to bother to look other than at certain people, maybe you shouldn't have that job.

Mayor Monahan asked Steve to address all these and give a report at the next meeting. That's not the intention I can tell you that. We will get it fixed.

Catherine said okay and he will quit harassing me.

Mayor Monahan said we will get it fixed.

Catherine asked how much time am I supposed to get to something to get it taken care of.

Mayor Monahan said we can extend that to ten days. Is ten days enough?

William Lane said according to law they are supposed to be sent by registered mail. They haven't come by registered mail.

Mayor Monahan said the question is how long do you need, that is what I am asking, to donate the car.

Catherine said I have the paperwork submitted to donate it I am just waiting for meals on wheels to contact me. I moved the car out of the driveway so nobody can see this car. There's a lot of cars in the village that look worse than mine and my husband was driving the car up and down the driveway when he needed to get into the garage so it's not like the car didn't move.

Steve said there are some other cars that have actually been removed this week. So it's not selective enforcement.

Catherine asked were they only given two days. Steve said he worked with them based on what they needed so I am sure he would be happy to do that.

Deborah Ariss, 59 E Mohawk, said I moved up here about ten, eleven years ago and I thought Shawnee Hills was going to be a nice comfortable easy place to live in and people would actually take care of their properties here but walking around here morning after morning and looking around to see what is actually going on here people are not taking care of their stuff. I realize that's not an issue, that you guys can't make someone take care of their properties but extra sheds, which I have an issue, something that is rotten, going down to the ground, it needs to be addressed, taken care of, gotten rid of. If people don't cut their grass they need to be notified and it taken care of. Another issue is before any sewer lines and stuff goes in someone else's property or in front of the properties they need to be notified ahead of time when that stuff is going to go on and power lines also. Last but not least I don't appreciate construction going on over here before seven o'clock in the morning. Seven o'clock in the morning on a weekend, on a Saturday morning there's construction and also I asked for a johnny on the spot to be moved to the back end of the property, they did not do that. I can name a number of different things. I've been up here complaining for the last four years about stuff on the other side of me. The grass not being mowed, trash being picked up, this looks like Sanford and Son right next to me and I have respect for my fellow neighbors as long as they take care of the properties. People around here can drive along my property and they can see that I have taken care of my property and I appreciate where I live at. Right now if anybody wants to buy it it's up for bid.

Bella Awad asked what is the criteria for the invisible fence. Is there a setback for the fence. Jean Nolan said there is generally, a good setback from the road. You want the animal to stop far before the road way.

Council member Mathews asked are you asking for the legal or the fence install policy.

Bella said the ordinance.

Shirley said we don't have a code for that. If someone installs it and we come to do any type of work in the right of way we will not reinstall it or pay for any fencing that is damaged or moved.

Brian said I don't think anyone puts it too close to the street as Jean just said or the dog will be in the street before he is charged.

Bella said there is one that I know of that goes to the edge of the property and we've lost many dog walkers on our street because of that. Because the dog lunges forward and scares the living crap out of these people and I have had to console older ladies with three dogs because they have been shaken up because of this dog lunging forward. Its muzzle is actually on the street so anyone walking by is going to be startled.

Mayor Monahan asked Steve to look into this.

Jean Nolan, 9505 Shawnee Trail said we have some property that we own here in Shawnee Hills. Its three lots, one and half lots were owned by my father and he willed it to me and my brothers. He also owns one fourth of the other one and a half lots. As far as the village is concerned, if we have clear title to those parcels as I just described them, is it buildable.

Mayor Monahan said anything less than our conforming 14,700 square feet you would have to file for a variance and if it was owned by a single person before a certain date then it could be built on.

Brian said it would be a conditional use permit.

Communications

Mayor Monahan gave the following report:

There is a career fair going on Thursday the thirteenth from eleven until two pm at the Crown Plaza Columbus North in Worthington. If anyone is interested I have the information up here.

We have a BZA hearing tomorrow night to deal with a house going up on Westview.

Mayor's Report

Mayor Monahan gave the following report:

SEPTEMBER 2016 MAYOR'S COURT REPORT

RECEIPTS

\$3,208.00 Total receipts

Disbursements

\$ 779.00 Treasurer, State of Ohio

\$30.00 HB 562 IDAT Fund

\$2,194.00 General Fund

\$205.00 Computer Fund

Erik Spaulding

Mayor's Court Clerk

As a reminder:

- **Beggars Night is Halloween Monday Oct 31st**
 - This year's Veteran's celebration will be Sat Nov 12th at 11 AM at our Memorial. This year we will be celebrating the 10th year of our Veteran's Memorial dedicated on 11-11-06. I am working with Judy Stephenson about the development of the Vet's Memorial project. Judy is writing a Gazette article on this very positive effort.
 - We will honor Jack Frambes service in the Korean War.
 - We will honor the Families and their efforts when their Service man or woman is deployed.
- **The Holiday tree lighting is Sunday Dec 4th at 6 PM.** We still need a chorus to lead us in singing carols. I have a couple of requests out to scout leaders. If anyone has a chorus who would help please get me the contact information.

I want to thank Mahesh and Steve for their diligent work on the moving the Web Development improvement movement forward.

At our Planning and Zoning meeting on Sept 27th we dealt with:

Shed ordinance you are considering tonight Ordinance- 23-2016. This was unanimously recommended by Planning and Zoning and brings common sense to shed placement.

We dealt with excessive car storage on residential lots. Carol you asked "if you would be cited when you are out a month following an operation and your vehicle is not moved for a month like Mary Ann Woods was cited when she was unable to drive after her operation". The car Mary Ann was cited for is a car that hasn't been titled and licensed for approximately 6 years and has been in her driveway with flat tires. We are continuing to get the car storage cleaned up.

Pro Tem Report

Pro Tem Mathews said he was also going to commend Mahesh and Steve for getting the email and web site project up and running. They hit the dates on everything. We wanted the request to go out by September first and we want it to be up and running by January 1.

He said in addition to what the Mayor said about the sheds in planning and zoning, we had a presentation on commercial property that is ongoing and we will see what the product ends up but a concept was delivered.

Mayor Monahan said I have asked Steve to set up a meeting to sit down with Jeff a little bit. What happens is somebody comes in with a concept. How do you move a concept forward? Is it something you want? What they want to do is make sure they don't spend a lot of money with architectural drawings and everything else and then come and we say no we do not want that. This has to do with the Priestino property with the cell tower in the center of it so we had a real good meeting at planning and zoning. What we want to do is talk to them to see some other possibilities that might exist. The trouble you get into is we all have in our heads what we would like to see but on the same hand when is that piece of property ever going to move because it has a cell tower on it.

Committee Reports

Council member Gauldin said that UST met. The first thing we talked about was trash pickup. We are looking currently, as I said in the last council meeting, at consolidating our trash pickup with a company that is serving the area just north of us here and in doing that we see an approximate cost savings of about nine dollars a month. With everything we understood in that contract so far we made a motion to move forward with that, finishing the legislation and then bringing that legislation forward so that everyone can see that and review that.

The second item we spoke about was the website. We went through three different competitors. We were given a decent background by Steve to go over how these items were brought forward and one specifically stood out so a motion was made and passed that based on mutual agreement of both parties for the final contract that we go ahead and go with Hadrout Company.

The last big thing that came up was Russ is looking into and proposing a backup system for the court computer. This backup system will actually solve some logistics issues between the information that needs to go back and forth from the police department to the court reporters department and some other things in the process. This is going to be able to be funded by the court computer fund at this point so we were asked for a motion on that and we made a motion and it passed to move forward with the purchasing of that.

Council member Vidor said that Safety met on the 26th of last month. We went over the police vehicle logs, discussed some upcoming training for the police department, the Attorney General's conference and discussed police salary hourly raises versus insurance cost rising and looking at a couple of options perhaps in lieu of a raise, insurance being covered more. It's kind of complicated and we haven't completed that yet. It looks like the new cruiser was ordered last week.

Legislative Actions

Second Reading- Resolution 15-2016- A Resolution to increase the rate of pay for Erik Spaulding, Mayor's Court Clerk for the Village of Shawnee Hills, Ohio and declaring an emergency

Second Reading- Resolution 16-2016- A Resolution authorizing and directing the Village Administrator to execute an employment agreement with Richard Ey and declaring an emergency

Second Reading- Resolution 18-2016- A Resolution that the Village of Shawnee Hills host an employee appreciation dinner.

Second Reading- Resolution 19-2016- A Resolution to increase the rate of pay for Steve DeBolt, Administrator, for the Village of Shawnee Hills, Ohio and declaring an emergency

First Reading- Resolution 20-2016 – Sponsored by the Finance Committee - A Resolution authorizing the Village Administrator and Fiscal Officer to execute a Tax Authority Portal Member Agreement with the Regional Income Tax Agency and declaring an emergency.

Brian said you might want to consider next time, I'm doing the math in my head, if you go two more readings you are going to be deep into the next month which means thirty days will be deep into the end of the year and RITA needs this back and if for some reason something is wrong you are not going to have time to do it. I would maybe consider next time thinking about making it an emergency so you can get it in. It's an agreement that we need to do because RITA is going to stop sending the reports by mail, it will all be done electronically. RITA would probably like it sooner than later.

First Reading- Ordinance 23-2016- Sponsored by Planning and Zoning- An Ordinance to amend Section 1113.04(d)(2)(B)(1) (Accessory Structures in the Single Family District) of the Codified Ordinances of the Village of Shawnee Hills.

Mayor Monahan said if you remember this was merely shed placement where we kind of fixed something on one side where we had opposing lots and we said you couldn't put the shed right up next to your neighbor's mailbox, hypothetically. What we did then was we bumped something off the table for the rest of the houses in the village. What it said was that if someone wanted to replace a shed they had to move it in ten feet and fifteen feet which didn't make any sense so in this particular case what we are doing is kind of cleaning that up. Unless you have the potential for opposing lots, this allows you to replace the shed in the same spot it was.

Council member Vidor asked if this addressed the people that want to add a shed.

Mayor Monahan said I believe this covers it. If you didn't have a shed and you weren't in a potentially opposing lots situation your placement on the shed could be according to what used to be, right?

Brian said what used to be is you had a two hundred square foot threshold. If your accessory structure was under two hundred square feet there were no setback requirements at all. If it was more than two hundred square feet you had the ten feet and fifteen feet setback. That thing got changed around and we took a look and then it became side yard, front was always ten feet and then there was no accessory be more than four hundred square feet so you went from two hundred to four hundred and that was in 2013. Then it also talks about the height of accessory structures and you probably remember those conversations from 2013. 2014 was the change then

that talked about adding in opposing facing lots. The way this legislation reads now is all it does is talk about what direction your house is facing. If they are all facing the same its five feet, five feet rear yard, side yard. If the houses are facing opposing directions it is ten feet, fifteen feet.

Council member Vidor said so if someone has a twosie lot that they are building on they can't put it on their property line.

Brian said you would never be able to, no.

Bills

It was moved by Gauldin, seconded by McVan to approve the bills in the amount of \$55,758.08. Following vote on the motion is recorded: yea, 5; Gauldin, Gil, Mathews, McVan and Vidor. Nay, none. Chair declared the motion passed by a 5-0 vote.

Treasurer's Report

It was moved by Gauldin, seconded by McVan to approve the following treasurer's report:

General	270,389.59	Fire	85,965.18
Street	269,767.26	Weed	7,272.86
State Highway	13,324.70	TIF	9,307.51
Parks and Recreation	222.87	TIF 2	12,578.54
PD Body Armor	94.43	Veteran's Mem.	98.97
Cont. Prof. Training	1,855.00	Sewer Oper.	66,941.11
Drug Law Enf.	773.44	Sewer Repl.	181,000.00
Indigent Drivers	385.84	Storm Sewer	3,809.91
Enfct. and Education	2,010.00	Debt Service	95,495.04
Court Computer	5,903.53	Debt Reserve	0.00

For a total of \$1,027,195.78.

Following vote on the motion is recorded: YEA, 5; Gauldin, Gil, Mathews, McVan and Vidor. Nay, none. Chair declared the motion passed by a 5-0 vote.

Executive Session

It was moved by Mathews, seconded by Vidor to move into executive session to conference with the Solicitor concerning a dispute involving the public body that is the subject of pending court action. Following vote on the motion is recorded: yea, 5; Gauldin, Gil, Mathews, McVan and Vidor. Nay, none. Chair declared the motion passed by a 5-0 vote.

It was moved by Mathews, seconded by Gauldin to return to the regular meeting. Following vote on the motion is recorded: yea, 5; Gauldin, Gil, Mathews, McVan and Vidor. Nay, none. Chair declared the motion passed by a 5-0 vote.

Adjournment

There being no further business, it was moved by Gauldin, seconded by Vidor to adjourn until October 24, 2016. Following vote on the motion is recorded: yea, 5; Gauldin, Gil, Mathews, McVan and Vidor. Nay, none. Chair declared the meeting adjourned at 8:00 p.m.

