

## **Village of Shawnee Hills Council Meeting Minutes**

**July 8, 2024**

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

Council in Attendance: Mary Gates, Kathy Isern, Justin LaRosa, Renee Matney, Robert Thatcher and Todd Zimmerman

Also Present: Fiscal Officer Shirley Roskoski, Administrator Russell Baron and Solicitor Brian Zets

### **Minutes**

It was moved by Gates, seconded by Zimmerman to approve the minutes of June 24, 2024. Following vote on the motion is recorded: yea, 5; Gates, LaRosa, Matney, Thatcher and Zimmerman. Nay, none. Abstain, one; Isern.

### **Agenda**

It was moved by Zimmerman, seconded by Matney to approve the agenda. Following vote on the motion is recorded: yea, 6; Gates, Isern, LaRosa, Matney, Thatcher and Zimmerman. Nay, none.

### **Village Administrator**

Russ said the repairs of our sidewalks are under way. I will have a paving package for UST next month.

### **Visitors**

Emily Lipp, Delaware General Health District, said they will be having a walk-in mobile clinic throughout the County from now until August 20. This will be for 2-3 hours every Tuesday. No appointments are required. They will be offering vaccinations, screenings, cribs, and other health resources.

Bingocize is starting July 16 at Sourcepoint. This will be held every Tuesday and Thursday at 9 a.m. It is a free 10-week program that uses exercise and education that helps reduce falls in older adults. You do need to register.

### **Communications**

Mayor Mathews said Council member Thatcher and I met with the Chad and Adrienne Deligatti to discuss a public/private relationship in regards to a parking lot.

### **Pro Tem Report**

Pro tem Thatcher said he and a few other council members attended the America in Bloom pot luck at Craig Baldrige's house. The people from AIB seemed to be impressed with what has been accomplished so far.

He said the Veteran's Committee may start meeting in August.

## **Legislative Actions**

Second Reading – Public Hearing - Ordinance 16-2024 – An Ordinance amending Section 1117.04 (Uses) of the Codified Ordinances of the Village of Shawnee Hills.

Carol Kender said I want to go on record as saying that this is my personal opinion. It is not the opinion of me as the Director of the Chamber of Commerce or me as the publisher of the Gazette. I first found Shawnee Hills in 1973. I moved here from Baltimore Maryland and I was selling cosmetics. In 1999, a council member at that time, said that council at that time did not want multi-family housing in this village. I have lived here for 25 years. I would hate to see you guys ruin the ambience of what Shawnee Hills is.

Mayor Mathews said so in 1999 they voted on no multi-family. Did they have any feelings about sewer?

Carol said that was right before the sewers.

Mayor Mathews said things change, things do evolve, things do progress.

Carol said here's another thing. Today I fielded 3 telephone calls from people saying this is not what Shawnee Hills is all about. Shawnee Hills is a unique community in the middle of a lot of stuff going on that we don't want. I don't understand what the push is for multi-family. Can you explain that to me?

Carol said that the condos near where her son lives were great looking when built, but now, 20-30 years late,r they are run down and not well maintained.

Council member Gates said that she lived in two different condos before moving to the village and they look just as good as they did when she lived there.

Mayor Mathews said it increases our income tax revenue. It keeps people in the village. It gives people an option, once they sell their home, that they can stay in the village. It makes for a walkable community. Quite honestly, I know you separated yourself from the Chamber and the Gazette, but as the Director of the Chamber of Commerce and the types of businesses that we have here, you should be screaming from the mountain tops for this type of housing.

Carol said I want retail. I don't care about the housing.

Mayor Mathews said you need clients to visit those places.

Carol said, me personally, for example, you put 91 condos on this lot here, who are you going to sell them to?

Council member Isern said people like you and I, I would say.

Council member Thatcher said people who are downsizing and want patio homes and they want the option because we don't have that in our code right now.

Mayor Mathews asked where are you getting the 91 number.

Carol did not answer.

Greg Walls, Buckeye Drive, said he attended the meeting two years ago when the developer came in and wanted to put up maximum height capacity units across the road. There were a number of people in that meeting and there was a pretty negative reaction to that. At some point thereafter, there was survey sent out asking for people's opinions and the results of that survey were pretty negative to multi-family housing. How did this ordinance, in the last meeting get kicked up to an emergency ordinance?

Council said it did not. This is the second reading.

Greg said I have minutes from the last meeting that it was kicked up to an emergency ordinance and it was passed.

Shirley said it was Resolution 16-2024 that was an emergency, not Ordinance 16-2024.

Greg said I don't understand why council wants to go against the wishes of the people.

Council member Thatcher said part of it is we don't meet the criteria of the surrounding communities that do allow it. We are out of step with the rest of the country. This is bringing us up to the modern times and where we should be.

Megan Bello, Forest Drive, said I also want to mention that the survey did have negative feedback from a relatively high level of participation considering it was spring break. In the State of Ohio income tax from social security is exempt from that. If it is retirees or people who are downsizing, the amount of income long term will be much smaller than if it were single family homes. I would like to understand how we are currently charging for sewage if this is actually a relevant source of income having one tap on a multi-unit. Has that issue been addressed in the code or not?

Russ said we have had discussions and we can't change the code for multi-family until we have multi-family in our code. We are looking at other options.

Dave Hatcher, 9511 Westview Drive, said I know that it was recently stated that we can't do something with the sewer rates until there is something in our code. I think the debt service needs to be looked at not only for multi-family but also for nonresidential use. I brought this up a few times within the planning and zoning meetings discussing the addition of multi-family into our code and I don't know if there has been any update or looking into what can be done with the debt service. Obviously, with only one tap, which is how every multi-family development that I have experienced only has one tap. As our sewer code is written they are only getting one 18.90

charge for debt service. I think it is only fair to make sure that this is cleaned up along with the introduction of multi-family.

Russ said we have looked into some of it. The way we are set up right now is based on a lawsuit so we can't deviate from that.

Dave said I pulled up the lawsuit that happened from 2003 to 2009. The single debt service was actually a point of contention in that lawsuit. It was due to not necessarily saying that it can't be done, not having a proportionate debt service can't be done to non-residential users. The lawsuit was brought forth because there was some ambiguity in how it was originally written. There were some contradictory points within the original ordinances that set forth and established the debt service. The way it was done pre-2006, they did the debt service based on equivalent dwelling unit. The code at that time said that one debt service piece is equivalent to about 4,500 gallons of water. If a commercial, non-residential user, uses more than that 4,500 gallons of water than the debt service proportionally grows with that. In 2006, the judge at the time said you are right, there is some ambiguity here but we have to look at the intent. The judge actually upheld that 4,500 gallon per debt service charge for EDU's was valid. The check that Shawnee Square had to write included that EDU charge. At some point in 2006 the village stopped doing it that way and they stopped doing it that way due to this pending litigation. The court ruled in our favor but we never went back to the original EDU. We have restaurants and it extends past just multi-family. As an owner of a home here I don't think it is right. We have restaurants and a tap room that is using tens of thousands of gallons of water every year using our sewers to a much greater degree and they are only paying 18.90 debt service. It's just not fair. I think it is something that we need to look at.

### **Bills**

It was moved by Zimmerman, seconded by Gates to pay the bills in the amount of \$93,742.17. Following vote on the motion is recorded: yea, 6; Gates, Isern, LaRosa, Matney, Thatcher and Zimmerman. Nay, none.

### **Treasurer's Report**

It was moved by Zimmerman, seconded by Isern to approve the following treasurer's report:

|                     |            |                        |            |
|---------------------|------------|------------------------|------------|
| General Fund        | 502,203.48 | Enfct. and Education   | 1,795.98   |
| Street Fund         | 49,247.27  | Fire Fund              | 103,891.20 |
| State Highway       | 42,974.45  | TIF Fund               | 88,253.77  |
| PD Body Armor       | 2,400.23   | TIF 2 Fund             | 40,434.94  |
| Cont. Pro. Training | 8,528.76   | Police District Fund   | 96,171.73  |
| Evans Farm JEDD     | 10,246.45  | Veteran's Memorial     | 298.97     |
| Drug Law Enfct.     | 534.41     | Sewer Operating        | 59,787.09  |
| Indigent Drivers    | 385.84     | Sewer Replacement      | 7,506.08   |
| Law Enfct. Trust    | 3,852.20   | Storm Sewer Fund       | 30,773.04  |
| Am Rescue Plan      | 55,468.14  | Debt Service Fund      | 139,390.45 |
| Weed Fund           | 648.38     | Enterprise Improvement | 23,419.00  |

For a total of \$1,268,211.86

Following vote on the motion is recorded: yea, 6; Gates, Isern, LaRosa, Matney, Thatcher and Zimmerman. Nay, none.

**Adjournment**

There being no further business, it was moved by Zimmerman, seconded by Thatcher to adjourn. Following vote on the motion is recorded: yea, 6; Gates, Isern, LaRosa, Matney, Thatcher and Zimmerman. Nay, none. Meeting adjourned at 7:38 p.m.