

Village of Shawnee Hills Council Meeting Minutes

March, 24, 2025

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

Council in attendance: Mary Gates, Kathy Isern, Justin LaRosa, Robert Thatcher and Todd Zimmerman.

Absent: Renee Matney

Also present: Fiscal Officer Shirley Roskoski, Solicitor Brian Zets and Engineer Chris Tebbe.

Minutes

It was moved by Zimmerman, seconded by Isern to approve the minutes of March 10, 2025 with the following amendments: On page 2, 4th paragraph, remove the *a* before *short* and the last paragraph before Visitors is incomplete. Between *and* and *said* insert *unfortunately*. On page 4, under adjournment, remove the period and make the capital *I* a small *i*.

Following vote on the motion is recorded: yea, 5; Gates, Isern, LaRosa, Thatcher and Zimmerman. Nay, none.

Agenda

It was moved by Zimmerman, seconded by LaRosa to amend the agenda to include a public hearing after the Solicitor.

Following vote on the motion is recorded: yea, 5; Gates, Isern, LaRosa, Thatcher and Zimmerman. Nay, none.

Solicitor

Brian had no report.

Public Hearing

Mayor Mathews opened the Public Hearing.

Jim Olin with Romanelli and Hughes said with him today is Phil Morehead, G2 Planning, to answer any design questions, Kyle Shreves, EMH&T, to answer any engineering or stormwater questions, and Joe Miller, Vorys to answer any legal questions.

I want to thank the staff. I know this has been a very long process; a lot of back and forth. I appreciate all the time and energy they put into this. There is no question that it will be a better project because of it. I certainly appreciate the collaboration. I know everyone is aware of where this location is so I am not going into the specific details of the location. I want to go over some of the highlights of the community itself and I assume there will be some questions and comments both from the residents and from the Board as well.

We designed this community with the empty nester buyer in mind. With that all the homes will have first floor masters and the emphasis is for one story living although it is not age restricted the home designs, the Homeowners Association, the community layout are all targeted to that 55 and older buyer. The homes will be ranch styles, focused on eliminating steps, focused on first floor living. The HOA will cover trees, shrubs, mowing of the grass, snow removal. Again, this is truly designed for that empty nester buyer. That buyer who wants to go on vacation, they want to spend their winters in Florida. They want to be able to come back and know that things will be taken care of while they are gone. Within the community we will have sidewalks for walkability. About 25% is preserved for permanent open space. In your packet I included samples of our product. Although they are limited in the area of which they can build, these are truly fully customizable homes, both interior and exterior. Some of the products that we will use is a combination of stone, brick, hardi-plank and there will be no vinyl siding. The house prices themselves, I expect the first floor be anywhere from 2,000 to 2,400 square feet on the first floor and I expect the average price to be in the high nines and some will exceed a million. One of the things that we did and worked hard on is focusing on that 55 and older buyer. What that does is minimize the affect on the schools and it also decreases the traffic coming in and out of these communities. The community will have public water. Sewer via a pump station. Twenty-six-foot-wide streets to satisfy the fire department and no on street parking. There are two areas on the site plan that we have set up for. There are three parking spots on either side of the community. Those are going to be where we put our mail kiosk buildings. Those are also going to be reserved for guest parking only. We will have signs denoting that. There will no resident parking in those guest parking spaces. Every house will have a two-car garage and the ability to have two cars parked in the driveway. Exhibit G2 is the utility plan. There is one way in and there is one way out. The other thing that we did is we extended the sanitary sewer line to pick up the parcels on the north side of the entrance as you come in. Those will have the ability to have sewers if the owner so decides to do something with those in the future. From a landscaping perspective, there will be street trees, evenly spaced. We are going to work with Shawnee Hills, from a design standpoint, for both species and location. There will be standard landscaping for all the houses, but, again, this is fully customizable so the buyers will have a say in their landscaping as well as their outdoor living spaces with patios in the back. If we are moving forward, the final development plan will take place sometime in June or July. I expect engineering to go through October, November of this year. We would commence construction right there after. I would expect a pave of sometime early summer and if I look at the sales and the closings of the homes, I would say we are going sometime through 2029. So, paving in 2026. Home construction in the fall of 2026 through 2029. I have my team here to answer any questions you have and I appreciate your time.

Brent Drake – There are 118 lots in this development, what about the other 9 lots.

Jim – They are not a part of this PUD.

Brian Stoflinsky – I have attended a lot of the meetings but I have yet to hear about the construction, time lines, how long will it take, the hours that construction is allowed, days, how

is the equipment going to get into the property. I would like to know how you are going to get the equipment into the property.

Mayor Mathews – Jim just mentioned the time as far as the start of the project through the end of the project. There is no separate construction entrance. I assume Mohawk to Westview will be the construction entrance.

Chris Tebbe – Westview to Forest. They will be improving Forest and extending it anyways.

Brian Stoflinsky – In the last meeting it was brought up about the retention ponds. There will be two retention ponds placed at the back of the lots and they will drain into the Tartan Fields retention pond as an overflow. As a property owner who backs up directly to the property, I wanted to show what we have to deal with currently when we do have steady rains. He passed out pictures of his property. When we get steady rains, it floods on the property itself and then comes into our yard. We have already spent thousands of dollars to kind of take care of it. When we do have steady rains, it does flood. I would like to know what is the plan to manage the water.

Kyle Shreves – This site does flow from east to west. It basically falls towards Tartan Ridge. We are going to capture the water and pipe it to these basins. We have already planned for storm sewer piping to be placed along this entire property line.

Brian S.– Just for the record, if there are any storm water issues who is responsible for it.

Jim – We are the developer and also the builder. We are required to maintain or make better; I can't make anything worse, so that would fall on us.

Brian S. – This was a situation that happened to the Tartan pond itself. About two years ago it did flood and as you can see that the first two pictures there are the pond itself and then the runoff. It flooded neighbors' yard, everything. My concern is, is there any solution, because when I talk to the HOA in Tartan Fields about this; one, they were not aware that the runoff of those two retention ponds would go to their pond. Secondly, they advised that the system that is already there is kind of at the end of its life. I just wanted to bring this up so that you know there are issues with that pond currently. I don't know how that will be addressed at all but I wanted to bring that up.

Kyle – We are required to capture the water and release it at a slower rate than is currently being done at this point in time. With what we are doing, which is one of the huge focus items we have with storm water and why we are looking to do this development and design it the way we have is so that we can control the stormwater and release it at a slower rate than it currently does.

Chris T. – The County is in control of the retention pond. As we go through the review process we will coordinate with the County if we find any deficiencies. The problem is this site is completely uncontrolled. The development will put in a basin, control it and release it slower.

Stephanie Stoflinsky – My question is regarding privacy. With the way that the setbacks are, there could be the potential for patios to be built within five feet of our back yard. We have young children and I was wondering if there would be any considerations by Romanelli & Hughes to put up any type of privacy whether that be some shrubbery or trees, something to keep our kids and animals in our yard and to also think of the neighbors that we are going to be gaining and allowing them to have privacy as well. No offence, I don't want somebody staring at us while we are sitting on our deck eating dinner and I don't want to do that to somebody else. I wonder if there is any consideration for that. We cannot put up privacy fences or anything so in partnership I wondered if there would be any kind of consideration.

Councilmember Gates – Are you allowed to put up trees and bushes.

Stephanie – We have to get approval for that too.

Council member Isern – I think these homes will be attracting residents who are probably interested in the same thing you are, privacy. There's not necessarily a requirement for a privacy device but I am thinking those people are going to be interested in the same thing and would probably end up putting some shrubbery in.

Stephanie – I have a letter from Erin Hatcher that I would like to read to you since she is out of town. My name is Erin Hatcher and I live at 9511 Westview Drive directly in the middle of this proposed development. While it is wonderful to have Romanelli and Hughes interested in developing here in Shawnee Hills, the current proposed plan exploits the village and residents with little upside as it stands today. I stand opposed to the plan in its current form and ask the village to not approve so changes can be made. First, the developer is purchasing part of an already platted property. As has been, or will be discussed by others, a person cannot significantly alter or vacate a plat without two thirds approval of existing owners. This is Ohio law. The village currently has more than half of the existing owners standing in opposition to the proposed changes to the plat. What does this mean. This means that if Council approves this rezoning, the developer will not be able to replat and therefore redraw property lines per their proposed plan. Current residents bought and built in this plat with certain guarantees written in the deeds to our lands and are protected from outside developers making changes detrimental to our properties. We have attempted to communicate with the developer changes that we would find acceptable but it is not conducive to their bottom line and have been rejected up to this point. This is the village's issue and it is the village's responsibility to ensure laws are followed and current residents are protected. Secondly, the density of the project has resulted in a request of a 26-foot road and in the words of our engineer, the widest in the village. Our Administrator will tell you the State of Ohio requires 26-foot roads but unfortunately, he is misinformed. It is our village code that determines our road width which is why all new roads up to this point have

been 16 feet as per our ordinances. The standard should be maintained in all parts of the village that are not part of a PUD. The developer again is pushing against our existing rights, altering land that we have held and maintained, in some cases for over 80 years, to allow for their maximum profit. I welcome the developer to use 26-foot roadways throughout his project on the land that they own. It is the village's responsibility to find balance and look towards the existing residents in addition to the new ones that I am calling for you to do now. As stated numerous times by our Engineer, Chris Tebbe, our Solicitor Brian Zets, and our Mayor Dan Mathews, one reason they propose zoning is to allow for the village to make requests for infrastructure and potentially offsite improvements necessary for such development. In fact, it has been used to justify every other increased density or project proposed in the village since my residency started here 13 years ago. None of this has been achieved with a PUD. As it stands today, it will actually require the village to widen turn lanes on residents' properties at the expense of the village and its current taxpayers. Does this sound like it is in the best interest of the village? The PUD was approved without any discussion about how construction will take place. There have been no guarantees from the developer of timely fixes to private property destruction or repairing existing road ways. Damage is inevitable and expected due to the nature of construction. This leaves our existing residents at the mercy of the developer to have existing conditions kept to a certain standard or up to the village and current tax payers to fund the fixing of the development project. Again, it is the responsibility of the Village and the Council to ensure protections for existing residents and the time before approval to ensure these protections. Romanelli and Hughes also proposes that an HOA will be used to maintain two retention ponds with downstream effects into a retention pond at Tartan Fields, a pump station and all 26-foot-wide road maintenance. In addition, all the maintenance of lawn care. The retention pond in Tartan Fields will require over \$100,000.00 worth of maintenance this year due to continue to function as needed. This figure is without the additional 2 ponds that will be sending water from a significant wetland. Do we really think 24 homes will be able to generate the amount of funds needed to pay for all of this or will it eventually fall to the village and its existing residents to pay for long after the developer has finished their project and made a profit? All this said, at least one would think we will use any justification for high density development in this dead-end portion of the village. When Maronda was proposing homes, a pump station was undesirable and it could ultimately fall to the village to maintain. This was said by the same people that we are pushing for the pump station now. Previously, Russ and Dan found that an HOA were bad and they could default and ultimately fall to the village duties costing us money. This development proposed a pump station and it is not even part of the discussion during the zoning meetings. Are we really vetting these plans or just green lighting anything that we think will bring income tax to the village? I ask you in the best interest of all the residents and not just one developer. I know we look at the name Romanelli and Hughes and their estimation of \$900,000.00 homes and lovely income tax to get excited. However, there is potential for tremendous cost to the village and cost to the existing residents if you allow this plan to go through as it stands today. This plan is not ready to be approved. It has not been properly vetted and faces legal challenges by your own residences. If this land is so prime and ripe for development, the village has the power to send the developer back to the drawing board to come up with something that works for everyone. In fact, it is your responsibility as our elected officials to do so. Thank you for your time.

Council member LaRosa - I want to address some of that. Chris will you clarify the pump station situation with Maronda and how it affects this one. What's the difference between the two?

Chris – Responsibility and coming in there and how they are connecting. Going gravity, it would affect the property owners in that corner tremendously more. Maronda didn't want to pay for a pump station. They wanted to go gravity and in order to go gravity it would have basically gone half way down Mohawk and work its way up to Westview, down Westview to Forest just to get to the property. Which would have disrupted all of this. They are coming in with a more expensive to construct version and they will put a pump station in there to handle it. Maronda wasn't willing to do that.

Council member LaRosa – The cost of the pump station, would that ever fall to us.

Mayor Mathews – I can address some of that. If the pump station falls under the HOA, you can actually put a special assessment on those properties in perpetuity.

Chris – This is not a standard HOA. It is developed to maintain it and everything. It's not a loosely held together HOA.

Council member LaRosa – Roadsides, do we control.

Chris – The fire department can supersede it. The local fire department can supersede our requirements and that is what they are saying. They want a 26-foot-wide new road. The fire department has given us the turning templates and where exactly changes need to be. Ohio Revised Code gives the fire officer that power. They would like every street to be 26 feet wide here because it is hard to fight fires on a 14-foot-wide street, to put up a ladder truck and stuff.

Council member LaRosa – The roads within the village that we are widening does not matter about this project or anything. The fire department came through and said they want those roads widened.

Chris – They want to be able to turn. There's a whole series of them. This is just step one. If this development wasn't even happening, we are looking at intersections because they are saying they cannot drive their trucks around our village and make a turn.

Council member Isern – Erin said that there were no positives for the village. I don't know if that is the best statement. I think we are getting a one-piece drainage plan for that entire PUD area. Everyone knows we have lots of drainage problems everywhere in the village and this would prevent that. All the infrastructure will be installed at once, the streets, the drainage, the sewers, and the utilities. Say it was built one house at a time. Every time you have someone connecting and connecting to just extend a small one or two houses at a time you have the opportunity for problems. There are a lot of positives. Taking care of issues that we have now throughout the village. The traffic would be less than projected because it is going to be marketed to 55+. They

are going to maintain green space, 25%. If houses were built one at a time, the drainage issues would just be pushed on to the guy down the road and there would be no green space. There would be no green space, no promise of green space. I think those are positives.

Sue Badgley – A lot of the issues that I have, Erin had primarily addressed. I have safety concerns. I know it was estimated 200 trips a day, has that changed from the last estimate. There is no place in the village, currently, that has that kind of traffic volume coming past their homes. They haven't had to experience the construction traffic which is anticipated for this development. That is going to create a serious safety concern in my opinion.

Mayor Mathews – I know it was originally recorded, so it was 43 vehicle trips per day per household for an average of 226 trips. That was for 24 single family homes. There aren't typical single-family homes. These are patio homes so they are projecting far less for a 55+ community.

Sue – It is obviously increased traffic. We have seven houses back there right now. We have about a 14-foot-wide road that dead ends. Only one way in and out. You are going to run a 26 foot road into a 14 foot road trying to drive traffic in two different directions. You can't pass two cars on 14 foot roads. It won't work. We don't do it. That is a concern I have. It was brought up about damage to the roads. Trucks are going to run off these roads because they are so narrow. Who is going to be responsible for that damage on personal property or drainage ditches? I am on a limited income, I can't do those repairs.

Chris – The developer will be responsible for repairs. I will videotape the road and take pictures before they even start. Any time there are any issues we will look at it and they will be the ones who are responsible for any repairs. I do that with every single house, every single development, whether someone is building an individual house or not or whether they are building many houses, I look at the road and they repair it.

Sue – We don't have sidewalks. Residents use our quiet roads to walk their pets and their children are using these roads to ride bikes and walk to their friend's house. I hope we don't have another child get hit by a car. An adult made a poor decision and created a blind spot which led to a child being hit by a car at the park. Some attempted to put the responsibility on an 8-year-old child. Children do make mistakes and as adults we have a responsibility to make decisions to keep our children as safe as possible. I do hope that this decision does not create another unsafe environment for our residents and our children. It would be a terrible burden to carry if anyone was hurt.

Council member Gates – Jim, I am a resident on Mohawk Drive and some of what Sue says is valid in the sense of the nonconforming roads. Do you have a project manager that would be able to inform the subcontractors and all the trucks and everything that it is 25 mph.

Jim- We will have 2 project managers onsite. You will also see 2 individuals driving through, if you go to any of our communities, you know what color truck it is, it is white and its Romanelli

driving through my communities. He is there six days a week, except when he goes to Florida. I will have him there and also the Senior Project Manager who oversees the site and we have individual project managers and sometimes helpers on the site as well.

Council member Zimmerman – With construction you get mud on the roads. I am assuming you will do a brush off of the roads when needed.

Jim- We have that on the site and will take care of the street cleaning. We jump on that quickly. It is all about our presentation of our community as well. Residents don't want to see that and neither do our prospective residents. We take pride in our communities and make sure they are held to a certain standard.

Giacomo Bello- The first question is regarding the forum of this meeting tonight. Are we supposed to ask questions to the council and the council addresses them toward the builder or are you guys going to answer the questions for them?

Mayor Mathews – In my opinion, you can ask the question and whoever is most appropriate to answer it, they can answer.

Giacomo – I would like to bring to the council's attention that the majority group of the neighbors in the affected plat proposed a solution with two entrances. The plan we were told they would consider it but it was not accepted. We do not know how much Romanelli & Hughes looked into it. They mentioned that there was plenty of discussion with the village in regards to the current plan and we do not have the details about such discussions. I think we would have tonight an opportunity to know more about the discussions between Romanelli & Hughes and the council. There will be more meetings so hopefully we can have more information coming our way so everybody can be informed. Another point I would like to address is a PUD versus our current code of R-2. I understand Kathy's points about the potential benefits. We need to keep in mind what the PUD language states. The main points are the proposed development has to improve the welfare of the village. It will improve the village welfare but does it improve everybody's within the village or just very few. It has to maintain the character of the village. Can we have a village back there with R-2 and still maintain the character of the village. How does this PUD improve traffic and separation systems within the proposed development as well as how can it be appropriate considering existing facilities in the surrounding area? We all know about the 26-foot road. We assume the new roads will be 26 foot. Me personally, there is a piece of my yard that will be taken by an expansion of the road to allow the fire trucks to be able to enter into this development. We are here every time and the right of way is, someone said it is the property of the village. That is incorrect. The right of way is owned by the residents. It is part of the resident's property. I acknowledged the clarification about the 26-foot road that are required by the fire department. We would still be interested in understanding where is the chapter of the code that can be referenced for that. Again 16 feet Mohawk and Westview and 26 foot then 26 foot on the new road in a development that is in the top corner of the village, which is the furthest point to reach from a major road. We are talking about Mohawk and Westview.

Everybody is impacted on the entire west side of Dublin Road because nobody can impede someone from driving on any of our roads. In regards to the drainage of the potential development. I heard about the slow release of water. Now there are ten acres of forest. Ten acres of forest can hold water in a different way than when the forest will be gone, regardless of how many retention ponds we put in there. This is something that I am looking forward to hearing some feedback from the experts at Romanelli & Hughes.

Chris – It is the site of a hill. From the highpoint it drops down a good 20 some feet. The runoff from a flat woods versus a flat piece of grass is different. Currently that drains uncontrolled down the hill and floods the pond. With this development, the basin will capture the water and direct it to the ponds and then release it slowly. From a hydrogeologic sense it is completely different. What they are developing is going to control the runoff better than what it does currently.

Giacomo – It would be very interesting to see a study that shows that.

Chris – The calculations will show that. The difference.

Council member Gates – Chris, will you address the right of way situation. It is my understanding that, yes, we do own property to the middle of the road, but that is a legal concept that is used by villages, cities and towns in order to put roads down.

Chris – What's different here with how you were platted versus Dublin. Tartan Fields right of way is clearly defined on a plat and called a right of way. In the 1920's they treated it more like the County treats it today. Most places in Delaware County people own to the center of the road. The County has a highway roadway easement which is equivalent to right of way for a certain width. Thousands of properties in Delaware County go to the center of the road. That is just standard practice. People get hung up on right of way versus highway easements, it is no different.

Giacomo – If I have property with improvements, how is that managed if you need to take a portion of the road.

Chris – We can do exactly what we can do in a right of way. Say you decided to put something in there we can remove it. It is no different here or in the County. If the County wants to widen the road, they are going to widen it.

Giacomo – If we have to widen the road to accommodate this development and if I have landscaping and an irrigation system and a mailbox in the right of way that has to be changed, who is responsible for that?

Chris – If it is in the right of way, the property owner is. You cannot put stuff in the right of way or easements. Mailboxes you take out and put back.

Giacomo – There are a lot of residents that have pride in their properties to make the village look good. Here we have to accommodate a development back there that can impact our properties. I hope that you guys understand that this is not just, we are going to do it and everybody will be fine with it. There will be for sure more discussions about it. We need to have more data and more discussion so we can move forward and agree on things.

Council member Isern – One thing that needs to be noted is you are focusing on this development but you also would acknowledge that you think this area should be R-2. Even if houses were built R-2 and one at a time, the fire department would still require a 26-foot road and those accommodations for the extension and the widening to allow for the fire truck turns would still be required. It doesn't matter who is building back there or how quickly it is happening, that's another advantage of a PUD, hopefully this will be built within 3 years. If you build houses one at a time it could take ten, twelve years.

Giacomo – We are not opposed to building back there, we even proposed solutions that could be viable to make us okay with it. They won't consider it.

Council member Isern – I have heard that there were two roads proposed to come in from the sides at 12 foot each. That cannot happen because of the fire department requirements.

Mayor Mathews – We just had a discussion about controlling the flow of the runoff. If you did R-2, you are only responsible for your particular lot.

Giacomo – If somebody decides to build back there, R-2, you are correct.

Mayor Mathews – You can't have it both ways, I guess I am saying. You are saying that we are not getting a better product by considering a PUD, but, we are based on your opposition. Am I right.

Giacomo – No you are not. You see it at certain angles where you would be correct in your statement. There are other angles that you guys are not considering.

Mayor Mathews – I guess my question is what angle do you want me to consider it from. If you want us to consider R-2 with two roads, when you just said you are concerned about the flow of the water into these ponds. What mechanism do you have to control the flow of water into those ponds if done R-2.

Council member Isern – There wouldn't be any new retention ponds.

Mayor Mathews – I guess that answered my question. We say this is a better product and you say this is not better it is better if we do it this way. How is it better to go R-2?

Giacomo – If we decided to have that part of the village to go R-2, probably we would have way less homes. It would not be clear cut.

Mayor Mathews – We can't make assumptions over and over again. In my opinion you would have it clear cut. You would absolutely have it clear cut. In my opinion Romanelli & Hughes would build on whatever lots they can configure to six conforming lots. They could build a 4 bedroom, 3.5 bath, single family home and they would sell off other conforming lots. You would end up with single family homes with kids that go to school. You would have traffic with single family homes, 226 and would be more viable. You would put pressure on the school system because now there is 24, 25 homes, whatever that may be. Single family homes are designed for families. You would have a drainage problem. It was noted previously that a construction entrance was a big deal. There is nowhere for a construction entrance to go. If you want R-2 it would be heavy equipment in and they would build one house, heavy equipment out. Build another house, heavy equipment in and then out. It would be constant heavy equipment. Where in this case you have heavy equipment in, you finish the infrastructure, heavy equipment out. I guess my point is, prove to me why R-2 is considered a better project than a planned development.

Giacomo – We would have less density.

Council member Isern - We worked this out last time when Maronda was here. We came up with 22 or 24 homes depending on how you calculated around the corners of the odd numbered lots.

Council member Zimmerman – On an R-2 you lose your open space which is almost 25%. You are going to lose that. All the trees that surround the properties to the west will all be gone. The land will be built on. There will be no pump station. There's a lot of big differences. Sewers are a big concern and that cost will fall on the village.

Giacomo – There are a lot of questions and we are still in need of many answers. If all the things you said are 100% correct, they are also based on assumptions.

Mayor Mathews – What answers do you want? To which ones. Tell me which ones.

Giacomo – We will stay here until tomorrow morning. The main thing that everybody wants is that there are concerns about this development from a lot of the residents in the village. There are many things that have been brought to your attention about the concerns that the local residents have. We ask you guys to listen to these concerns and potentially answer the questions and see if we can agree on a product that can be put there.

Mayor Mathews – I think we are trying to address the concerns. Tell me what answers you want to hear to those concerns. He just addressed the drainage. How the drainage will work. He just explained right of way. He explained sewer. Tell me what the additional concerns are.

Giacomo – A single family may live back there.

Mayor Mathews – You can't guarantee anything.

Giacomo – You are answering questions based on assumptions.

Council member Zimmerman – The product they are building is not a 4 bedroom.3.5 bath house. If you look at the product, it is a 2 bedroom to a 2 bedroom with a den. You are not getting families moving in there. Yes, you cannot sell it as a 55 and over only community. You build a product for a 55 and over community and they will come.

Giacomo – You put a basement in and the families will come.

Jim – There are a lot more options out there for a million dollars in the Dublin School system that will accommodate families, that will accommodate yards and will accommodate the way a family lives. Which is why we geared this towards the empty nesters.

Council member Larosa – I have never met these people from Romanelli & Hughes before. I own a business and I know from marketing if I want to do something specific, I target a specific audience, especially at \$900,000.00 each, I am going to make sure that my product is targeting the people that I want to target. The research and marketing that they have put in, and I am just assuming that, from council's perspective I don't think, like when you ask can you guarantee. I don't want to guarantee if someone is going to move back there. That is not my job. That is not what we, up here, should be doing. We are up here making sure we are making the best decision for the village, the residents and everybody involved. There is going to be some decisions made that are not going to be good for everyone. We are doing the best that we possibly can with everything we have. Even a lot of the assumptions of how many cars, how much traffic. There are studies that are done, they could work out that way and then they may not. We have no clue until that actually happens for a definitive number. We can only go off of a base of historical events and processes that are put in place to do our best to make it happen.

Giacomo- You did not say anything wrong and I would have appreciated such an answer a few minutes ago. Thank you for that.

Brian Hunt, Attorney with Loveland Law LLC, 3300 Riverside Dr. Suite 125, Upper Arlington OH. 43221 – I am here tonight representing several property owners near this development. We identified a few issues related to what is proposed for this area and a couple of questions as well. The first one is a rather serious procedural issue concerning this application. Your code requires that procedures for planning and development be strictly followed. The code requires a preliminary development plan including an affidavit listing all property owners within 300 feet of the property. In this application, the list of property owners was submitted but it was not supported by an affidavit. More importantly, the list of property owners was not accurate. The submitted list is apparently the same as was previously create by Maronda Homes during their

zoning application in the summer of 2022. It was submitted in this case without taking into account that people might have sold their property. We discovered for instance that Mark and Darleen Elliott are identified as the owners of 5752 Duddingston Drive. The Elliott's sold their home in December of 2022 and are not the owners of the property at the time this application was filed.

That is evidenced by Exhibit 1A and 1B that have been submitted and I ask that they be submitted into the record of this proceeding. Additionally, it appears that other properties have not been listed at all. For instance, Eric and Jacqueline Hess own the property located at 5695 Morlich Square. Neither they nor their property are identified. I have now identified other names and it is certainly possible there are other errors. Not only is the application lacking because it does not include the affidavit required by the code, all of the proceedings that have occurred related to this application to date are tainted by the failure to correctly name and provide the requisite notice to neighboring property owners by mail as required by Section 1117.108 of your code. Second, there is also a question of the process that will be followed to plat this development. Section 711.17 to Section 711.23 of the Ohio Revised Code set forth the procedure to vacate or alter all plats. Those sections specifically require that two thirds of the property owners apply to the court of common pleas to vacate or amend a plat. The applicant is well short of the support necessary for the procedure. We would like to know how the applicant plans on dealing with this issue. Third, there are issues and questions existing over whether what is being proposed will comply with existing deed restrictions and easements. Much of the property that is proposed to be developed is subject to several covenant restrictions that relate to the appearance and use of the property. For instance, some of the lots may be subject to increased setback requirements, restrictions for residential use only, prohibitions on among other things, size. If the applicant believes that the property is not subject to these restrictions, we would like to know the basis of that opinion. Additionally, the plans appear to show storm and sanitary lines being installed on the Forest Drive easement to Westview Drive. The instruments reviewed only create easements for ingress and egress only and those are private easements. They do not include an easement for utilities. If there is an instrument that the applicant believes gives him the right to put utilities there we would ask him to produce that. If the village or applicant believes these are public right of ways we would ask that they produce evidence of appropriation or dedication of the land for that purpose because we have not seen that on here. The development text states that the community will be marketed and oriented towards the 55 and plus population. We have a question on whether there will be a deed restriction to that effect. Without that deed restriction any suggestion that this will be a community of empty nesters is very speculative especially given the location of the school system. If this moves forward and the Forest Drive easement is used to create an exit to Westview who will bear the responsibility to maintain and repair or replacing the section that is not included in the proposed community. I want to end by saying that my clients are not opposed to the development of this property. They understand that something will go there eventually and I think they are happy that Romanelli & Hughes is interested in development. However, this project will have a great impact on my clients and they want to know that their concerns are being heard. I believe that there have been discussions with Romanelli already but they have not resulted in any meaningful changes to the proposed development that would positively impact my clients. We ask that this matter be tabled tonight

so that those talks can occur in good faith so that this project can move forward in a way that is a win win for all parties involved.

Council member Isern – The affidavit was submitted later.

Fiscal Officer Shirley Roskoski – I did receive an updated mailing list.

Joe Miller, 52 East Gay – On the matter of the notice, yes, there is an affidavit. The suggestion, the words that were used by Mr. Hunt that the PUD requirements require strict compliance. That is not so. That is nowhere in the code of the law of Ohio. It says substantial compliance of the requirements which were there in spite of Mr. Hunts oversight of the submission of the affidavit and to treat this applicant differently than how other applicants have been treated in that regard raises real equal protection concerns that you can't suddenly now scrutinize this and treat this applicant differently on this basis. I would also add that I spoke to Mr. Hunt over the last several weeks trying to address his clients concerns. This issue was never raised, so this is not about giving notice to landowners. This is about gotcha zoning which this counsel will not engage in. As far as the plat issues, I have heard that raised with regard to Miss Hatchers letter. Respectively, she and her counsel are simply incorrect. They are citing to ORC 711.17, in fact there are several ways to amend and vacate plats under Ohio laws. We are working collaboratively with your law director and your city engineer. In any event platting and zoning are two different things. What is before you tonight is the amendment to the zoning ordinance which has nothing to do with the platting issue, which will be dealt with separately.

Brian Hunt – I would just like to say that this was just discovered today while I was preparing for this hearing so it is not an I gotcha. This is not something I knew about two weeks ago and 1117.06 of your code says procedures and conditions set forth for the determination of planning and development districts and the developments therein shall be strictly followed except when the planning commission and council have approved a written statement submitted with the rezoning application.

Joe Miller – The notice requirement is a general requirement that applies to all applicants and to apply here differently is the same problems I just described.

Brian Hunt – The code says it should be strictly followed. The platting is a major issue too. There is case law out there that says 711.17 is a general law, it has to be followed by municipalities when they are platting.

Joe Miller – I agree to disagree. There are several sections of the ORC that deal with amendments and vacation of plats, not simply 711.17.

Brian Hunt – We would like the applicant to share those with us so we can have a discussion. I have tried to engage Mr. Hunt and his client in dialogue on what were known issues and none of

this has been brought to our attention so we will continue to work collaboratively with any of the persons that will work with using the same manner.

Brian Hunt – My discussions with Mr. Miller centered on my clients speaking with his client.

Council member LaRosa – Is platting within our purview or is that County purview.

Joe Miller – It can or it would be both depending on the procedure certainly within this legislation.

Mayor Mathews – For tonight the answer is no.

Communications

We are a Tree City USA again.

Committee Reports

Council member Gates said Finance met tonight. We reviewed our finances. Quick look at RITA tax collection. We are doing well at this point but we are only three months in. Health insurance increased by 7.69%. The reappropriation does cover this at this point. Reappropriations will also cover increased expenses for the Engineer, our new Police Clerk, increase some withholding amounts, added in funds for trees that were discussed last council meeting. We also discussed a full-time maintenance employee, the pros and cons with that. Russ mentioned that there were no applications currently for a part-time position. The difference between full-time on a slightly smaller salary scale and what a part-time salary would be insignificant and hopefully we will be able to draw in some good applicants. We did discuss body cameras. We did approve this to be passed on to council in the future.

Legislative Actions

Second Reading – Ordinance 06-2025 – An Ordinance to amend the Zoning District Map of the Village of Shawnee Hills, Delaware County, Ohio by rezoning 118 non-conforming lots from the Single-Family District (R-2) to the Planned Unit Development (PUD).

It was moved by Thatcher, seconded by Isern to suspend with the third reading and declare Ordinance 06-2025 an emergency. Following vote on the motion is recorded: yea, 5; Gates, Isern, LaRosa, Thatcher and Zimmerman. Nay, none.

It was moved by Zimmerman, seconded by Thatcher to adopt Ordinance 06-2025 as an emergency. Following vote on the motion is recorded: yea, 5; Gates, Isern, LaRosa, Thatcher and Zimmerman. Nay, none.

First Reading – Ordinance 09-2025 – An Ordinance amending Section 921.03 (A) (Potable Water user Charge) and Section 921.03 (B) (Well Water User Charge) of the Codified Ordinances of the Village of Shawnee Hills.

First Reading – Ordinance 10-2025 – An Ordinance to reappropriate funds for current expensed and other expenditures of the Village of Shawnee Hills, State of Ohio, during the fiscal year ending December 31, 2025 and declaring an emergency.

Bills

It was moved by Zimmerman, seconded by Isern to pay the bills in the amount of \$77,090.93. Following vote on the motion is recorded: yea, 5; Gates, Isern, LaRosa, Thatcher and Zimmerman. Nay, none.

Treasurer’s Report

It was moved by Gates, seconded by Zimmerman to approve the following treasurer’s report:

General Fund	554,810.20	Enfct. and Education	1,795.98
Street Fund	5,150.15	Fire Fund	111,713.59
State Highway	48,551.18	TIF Fund	72,958.76
PD Body Armor	0.00	TIF 2 Fund	44,649.74
Cont. Pro. Training	13,295.80	Police District Fund	57,681.15
Evans Farm JEDD	15,344.80	Veteran’s Memorial	298.97
Drug Law Enfct.	534.41	Sewer Operating	68,191.50
Indigent Drivers	385.84	Sewer Replacement	7,506.08
Law Enfct. Trust	3,852.20	Storm Sewer Fund	31,315.57
Am Rescue Plan	10,410.14	Debt Service Fund	120,639.20
Weed Fund	648.38	Enterprise Improvement	23,419.00

For a total of \$1,184,052.64.

Following vote on the motion is recorded: yea, 5; Gates, Isern, LaRosa, Thatcher and Zimmerman. Nay, none.

Miscellaneous

Council member LaRosa said one of the reasons I felt going forward with this plan is important to the village. I know that you folks are going to be mad at me. Believe me I know it. I am going to be impacted, not to the magnitude of what you are, but I lost part of my property over a widening as well as they just sold a piece of property behind me. I have lived here for 10 years without seeing anybody and now I am going to have somebody very close to me. Again, not to the magnitude that you folks are going to experience. I get it. At the last UST meeting Chris presented about our sewage. We are going to be out of money in two years. We are doing well as a village but legally how money comes in and where it goes and how it does, there are many advantages to doing this this way rather than having them built under R-2. While I haven’t had any personal experience with these folks, the back end that has been going on, like the engineering side of it, plans are going into place, it’s the best option we have seen yet. I don’t think we are going to see anything better. The last meetings what was said was let’s bring in Romanelli & Hughes. They are here. They are going to go in there and do it right. I have faith in that. They wouldn’t be the builder of caliber that they say they are and people expected them to be and they did. I do understand what you are saying about your yard, especially when you put

that kind of money into it and have that amount done. I do feel for you. You have to balance it on council about what is good for everybody.

Adjournment

There being no further business, it was moved by Zimmerman, seconded by Gates to adjourn. Following vote on the motion is recorded: yea, 5; Gates, Isern, LaRosa, Thatcher and Zimmerman. Nay, none.