

— THE VILLAGE OF — SWANTON

April 12, 2021

Public Hearing

Mayor Toeppe: Call the Public Hearing to Order at 7:06 p.m.

Roll Call:	Kathy Kreuz	Craig Rose
	David Pilliod	Tony Stuart
	Michael Rochelle	Dianne Westhoven (excused)

Mayor Toeppe: Statement of Purpose: “This is a public hearing to consider the request by VWC Investments for an adjustment to the ERU multiple assigned to the property located at 13501 Airport Highway, commonly known as Valleywood Golf Club.”

Mayor Toeppe: “Council shall make a decision based on the evidence presented and the need to protect, preserve, and improve the village’s storm water drainage system, equal treatment of like properties, fairness to unique properties, and the health and welfare of village residents. Council may affirm, modify or reverse any decision of the Village Administrator. After consideration, the Village Council shall issue a written decision to the property owner which shall be the final decision of the village. A final decision on this request has yet to be made. That decision will ultimately be made by the Swanton Village Council and will take into account what is said at this hearing.”

Presentation from Staff

In 2006, Village Council approved the creation of Chapter 54 of the Swanton Village Codified Ordinances. § 54.04 “Rate Structure” outlines what will be charged and why it will be charged:

- (A) *A storm water service charge shall be billed monthly to the owner of each and every lot and parcel of land within the village that contains impervious area and contributes directly or indirectly to the storm water system of the village. This charge is necessary to pay for the repair, replacement,*

planning, improvement, operation, regulation and maintenance of the existing and future village storm water system. This charge is not related to water and/or sewer service and applies whether or not the premises are occupied. Property owned by the village shall be exempt from such charges.

Further in § 54.04 it states: *(B) All properties having impervious area within the village will be assigned an Equivalent Residential Unit (ERU) or a multiple thereof, with all properties having any impervious area receiving at least one ERU as follows:*

(2) All non-residential properties, as defined in § 54.01, will be assigned an ERU multiple based upon the properties' individually measured impervious area, in square feet, divided by 3,460 square feet ERU but in no event less than one ERU. This division will be calculated to the first decimal place and rounded according to mathematical convention.

It is imperative to remember storm water service charge is not related in any way to sanitary sewer or water charges. The Village of Swanton's Long Term Control Plan is mainly centered on separating an existing combined sewer into a separate sanitary sewer and separate storm sewer. With that, the storm sewer system will need to be maintained. The storm sewer system is designed to carry rainfall and other drainage, untreated, to local streams. It is important to maintain the system for environmental reasons. The storm sewer charge outline in Chapter 54 of the Swanton Village Codified Ordinance is not novel to the Village of Swanton. Many communities throughout the State of Ohio, and beyond, charge a fee for operation and maintenance of the system.

The property at 13501 Airport Highway is defined as a non-residential property and includes impervious area. Impervious areas include areas that have been paved and/or covered with buildings and materials that do not allow natural infiltration, which include, but are not limited to, concrete, asphalt, rooftop and blacktop.

During a routine audit of accounts, it was discovered that the property at 13501 Airport Highway was charged the residential rate (\$3) and not the non-residential rate as listed above. A work order was created to calculate the impervious area of the property to see if there was more impervious area than 3,460 sq. ft. (1 ERU= \$3). Per the work order, the areas included in the calculation were the parking lot, main clubhouse, and impervious area around the clubhouse (area circled in yellow). No area past the clubhouse was included (i.e. no area within the "course").

The total impervious area was calculated to be 111,806 square feet. Therefore, the ERU multiple is 32.31. Further, $32.31 * \$3 = \$96.94 / \text{month}$.



The owners of 13501 Airport Highway requested an adjustment to the new rate. The Village Administrator reviewed, in compliance with § 54.08, and offered the maximum discount allowable per that section, 30% (see below for details). This brought the new rate from \$96.94 to \$67.85 per month.

The owner of a non-residential property may apply for an adjustment to the ERU multiple if the owner has taken certain actions that reduce the impact of storm water runoff to the storm water system. The maximum adjustment that may be made to the ERU multiple for any non-residential property is 30% consisting of any one or more of the following credit options:

- (1) Detention/retention ponds: 30%;
- (2) Forested (stream) buffer/grass filter strip: 10%;
- (3) Industrial NPDES: 10%;
- (4) Open-channel maintenance: 30%; and
- (5) Swales: 10%.

The Village Administrator also provided the owners with the information that if they were not satisfied with the adjusted rate they could request a public hearing before Village Council. Only non-residential property owners may challenge the ERU assigned to them with, first an appeal to the Village Administrator, and if not satisfied then with a public hearing before Village Council.

Valleywood Golf Course is unique in that it is a large golf course with much green space as well as a creek with runs through it. However, the impervious area calculated centers on the parking lot and clubhouse which clearly are listed in the definition of impervious.

Public Comments

During the window of public comment from the newspaper publications of the Public Hearing to the publication of this Public Hearing agenda (4.9.2021), the Village Administrator received ZERO calls or emails pertaining to this application.

There were no individuals present to speak in support or opposition to the request.

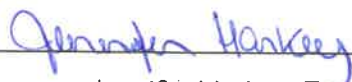
Village Council discussed the situation. Councilman Pilliod indicated it is a unique property. Councilman Stuart indicated the language is clear.

Councilman Stuart moved to keep the adjustment of storm water charge at \$67.85 with Councilman Rose seconding. Roll Call vote. All YES. Motion passed 5-0

Adjournment at 7:16 p.m.



Neil Toeppe, Mayor

Attest: 

Jennifer Harkey, Fiscal Officer