

## VILLAGE OF FORT RECOVERY SPECIAL & REGULAR COUNCIL

March 7,

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**CALL TO ORDER:** Mayor Dave Kaup called to order the Special Council Meeting on March 7, 2016 at 6:00pm at the Village of Fort Recovery Council Meeting Room to Hold a Zoning Map Amendment Public Meeting.

**Present:** Erik Fiely, Cliff Wendel, Al Post, Dave Garman, Scott Pearson and Dave Bretz. **Also Present:** Randy Diller, Roberta Staugler, Erin Minor, Ed Gebert, Neal Spencer, John Jutte, Dan Carr, Larry Keller, Lavern & Jane Weitzel, Joe & Sharon Metzger, Nick Wehrkamp, Don Wehrkamp, Chuck Metzger, Verlin Luster, Dan & Wilma Timmerman.

**Randy Diller:** This Special Meeting is being held because we have two zoning map amendment requests. First the applications were presented January 21, 2016 at a Planning Commission Meeting. Both requests received recommendation by the Planning Commission for approval. Council received the Planning Commission's recommendations on February 1, 2016. The next step was to hold a public meeting within 40 days. On February 3<sup>rd</sup> we published the public meeting notice and notices were mailed to the adjoining property owners. Tonight if no action is taken, Council will have 30 days to adopt, deny or modify the requests. It will take ¾ vote by Council to deny or modify the requests. If they approve the requests the decision will not be final until an ordinance is passed. The first property request is located at 103 & 105 Broadway and 304 N Wayne. These properties are currently a business and two rentals which are zoned R-3 and the request to be changed to C-1. The area south is zoned C-1. A conditional use permit is being used for the Chiropractic office. The Planning Commission approved unanimously to approve the request to change from R-3 to C-1. Part of the Community Planning we are doing now would make this a potential extension of the commercial district.

**Dan Carr:** I am willing to take questions. **Diller:** Do you have set plans for this area? **Carr:** What I do with this lot is contingent on the other request. I have no plans to sell it. **John Jutte:** There is no crystal ball and we can't see into the future if something is built on it what happens?

**Diller:** It would require screening if something is put between this property and your lot. **Minor:** If Doc tears down and builds new he would need to put up screening of a fence or landscaping to offer a buffer. **Jutte:** Would this be negotiable between property owners? I would not want it to go to the road. **Minor:** We assume whoever is installing a buffer decides, we would encourage communication with nearby property owners. **Fiely:** John you live the closest, are you for or against this? **Jutte:** I am not going to say it shouldn't be changed. I don't want a Dollar General with a neon sign. A doctor office or bank I would have no issue with. **Carr:** Not knowing for sure what happens to my other application, my plans would be to leave 304 N Wayne as is. And tear down 105 Broadway unless I completely sell off. **Jutte:** Would it affect the alley? My garage is there. **Diller:** The alley is an extension of St Clair Street; I don't anticipate the alley would change.

If it is sold as one property it would be developed in accordance with the allowable uses in a C-1 district. Buildings already there can continue as is. **Mayor:** Doc, did you make contact with your neighbor to the east? **Carr:** No. **Diller:** I have not heard anything yet **Mayor:** If something would happen, do you think it would be in a couple of years? **Carr:** Yes, within the next couple of years.

**Mayor:** Should we contact the neighbor? **Diller:** I sent two letters. I stopped at his house, I was told he was sleeping, but I have not heard from him. **Mayor:** Can we stop one more time? **Fiely:** It wouldn't hurt to attempt to get ahold of him one more time.

**Diller:** The second request is also from Dan Carr for lot #11 in the Industrial Park. The proposal is to split 2.3 acres into three smaller lots. If approved two of the lots would be rezoned R-3. The third lot would remain industrial. The remaining 3.139 acres of lot #11 is still owned by Suburban. I am not sure if it is still for sale. **D Timmerman:** What if you change it to residential? **L Weitzel:** Why don't you change it to commercial now? **Diller:** It is not big enough to stand on its own. It can be R-3 or Industrial. **L Weitzel:** If it is split into four lots then could you rezone it into anything? **Diller:** The minimum zoning requirement for R-3 is 3,600 sq ft. **D Wehrkamp:** What about the fitness center? **Diller:** They obtained a conditional use permit. **Minor:** A Conditional use permit allows a variety; you can do certain things with approval for conditional use such as Jeneration Fitness. **Wehrkamp:** The request is for how long? **Diller:** As long as the use is the same. **Spencer:** With a conditional use permit, Jeneration Fitness could have been turned down if there were objections? **Diller:** Council could have turned it down if there are objections. **Mayor:** How many conditional use permits have we had? **Diller:** One. **Mayor:** We have had no requests until now? **Diller:** It was a different classification in 1994. We took it out of zoning that it couldn't be used for store & lock. It can

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continue to be used because it's already there. The original ordinance based usage on the percent of usage of the entire building. It is the same with Dan Schoen's building. Production was allowed because they sold product. A business professional building would require conditional use. **Carr:** I felt the 2.3 acres would be wasted space with what I wanted to do with the I-class. So I decided to re- zone some R-3. **Diller:** It could be changed to R-1. **L Weitzel:** I don't think it is in the best interest to zone it R-3. They don't want multi-residential properties across from them. **V Luster:** I don't want them to bring down our home value. **Minor:** At this point it couldn't be changed to R-1; it's attached to R-3. **Diller:** It could change if the people across the street want to change to R-1. **J Weitzel:** Will it cost anything to do? **Diller:** \$35, it would be up to them. **Keller:** I think you are missing the point. You are moving housing next to a propane business. What you are starting is unprecedented; to change back. Back in the 1980's we were on the swimming pool committee. Which we were able to build and it is still is being used today. We then decided that we needed to construct an industrial park. It put a burden on the city, but it has been good. For someone to go in and change is not good. Eventually it will fill and it is going to take big money to find land. That is what is needed. That is what leaders established this for and that is the way it should stay. **Bretz:** No doubt we need industry lots but we need residential too. **Keller:** Don't put it in the industrial park. **Bretz:** We are trying to put it next to a home. **Fiely:** Lavern how far away is your garage? **Lavern:** Close, when we bought the property was when a handshake meant something. We never questioned the lot line 35 years ago. **Fiely:** What is your opinion? **L Weitzel:** I don't want multi-family development. I can see what happens with multi-family housing. My shop will obstruct it but I will put bars on my windows. **Wehrkamp:** I never thought I would be looking at a house. **Diller:** It could be industry. **Luster:** When I bought the lot I never thought it would be multi-family. **Mayor:** The reason we changed those to R-3 was because we were out of places to put apartments by Rohrer's office. In the end none went up. You could build single family up to triplex. **Diller:** From your perspective would you prefer industry and single family over R-3? **N Wehrkamp:** Yes, the lot was for sale for a long time. **S Metzger:** No one wanted R-3. Jeff Roessner came in and built two houses. Not one single person wanted R-3. **Luster:** Can Nick and I change our properties to R-1? **Diller:** You would need to have four lots. **Carr:** I realize if we never do anything, we never do anything different. If there is residential on both sides now and a machine shop comes in I don't think anyone wants that. **Mayor:** Moulton's lot has been sold several times. **Carr:** I was never given the option to buy the rest of lot #11. **Keller:** When you bought it you knew it was zoned industrial. **Carr:** Where else can I buy? **Keller:** But its industrial, find a different property. **Carr:** I don't want it all commercial. I could petition to do it now. **Keller:** I hope they are going to take a look at changing industrial with conditional use permits. If it is industrial it is industrial. **Pearson:** Do we know how long it was for sale? **Weitzel:** There were several different parties interested but they kept putting restrictions on it. **Diller:** The first time I was contacted was in June 2013. **Keller:** How many vacant lots are there? **Diller:** The village has ten acres on the west side of the industrial park. Fort Recovery Industries owns a lot they haven't used yet. **L Weitzel:** If someone purchases it they could be left bare? **Diller:** Yes but that's not our intent. Once it is sold we don't have a say in whether what they were originally going to build is an office/showroom, it's a handshake. This lot has not generated anything. **Keller:** I hate to have vacant lots. **Bretz:** Back then we needed to sell some lots. **Diller:** We needed to develop the park. **Mayor:** If Moulton decided to piece this out we wouldn't have any control. **Keller:** Does the city need more control? **Mayor:** When you sell I am assuming you could put restrictions on the deed. **Minor:** The more restrictions you put on a property the less marketable it is. **Diller:** A local person looking to put together a project, we could have the opportunity to buy back. **L Weitzel:** Has the town offered to buy back Moulton's lot? **Diller:** They were asking double the price we are selling lots for. The last time I talked to them it was \$115,000. **Carr:** My hesitation is cost. To put a normal size building on two acres seems a waste. **S Metzger:** Why did you buy it? **Carr:** I bought it hoping to sell part and put an office on the remaining. **S Metzger:** You would be fine with I-1. **Pearson:** Do you have time to go through with it if these guys rezone? **Carr:** When did we start? **Diller:** Last August. **Diller:** If we schedule a meeting, recommend to council, wait 40 days, pass an ordinance you're looking at three months. I need to think it through. Will we even take it out of Industry? **Mayor:** I was somewhat against changing it because I wanted to keep it industry. **L Weitzel:** We have the industrial park. **Mayor:** There was another issue a couple of years ago when we didn't change the

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lot by the hardware store. I am not real crazy now; I no longer get a vote. **Pearson:** It would take a  $\frac{3}{4}$  vote against changing it? **Diller:** I want to talk to Erin. You have 30 to days to decide. We need to determine what happens if you vote to deny 4-2 and it is not  $\frac{3}{4}$ . We need to clarify that. Erin will look into the procedures for changing the lots to R-1 instead of R-3. We have 30 days. **Mayor:** I agree with Doc, nothing has happened for a long time. **Post:** All we are taking out of industrial is less than one acre. **Keller:** I think it is a problem and you are making it small. **Diller:** If it is three medical offices that face industrial drive that would be good. You need to think it through. Give Erin time to look things through. **Keller:** When is the next meeting? **Diller:** In two weeks. **Minor:** They would have until the following council meeting to make a decision. **Keller:** I think there are a number of people that would like to be here. **D Wehrkamp:** If you wait can they change it to R-1? **Diller:** I don't think Doc cares if it is R-1 or R-3. If a decision is made at the next meeting it would not change until the ordinance is presented.

**Fiely made a motion to adjourn the meeting seconded by Post. Vote all yes. 7:12 pm.**

## VILLAGE OF FORT RECOVERY REGULAR COUNCIL MEETING

March 7, 2016

**CALL TO ORDER:** Mayor Dave Kaup called to order the Regular Council Meeting on March 7, 2016 at 7:30pm at the Village of Fort Recovery council meeting room to conduct regular business.

**Present:** Erik Fiely, Cliff Wendel, Al Post, Dave Garman, Scott Pearson and Dave Bretz. **Also Present:** Randy Diller, Roberta Staugler, Erin Minor, Ed Gebert, Neal Spencer, Jared Laux and PG Jellison

**Reports to Council:** Village Administrators report, February Police Stats, FINX fund & bank balance and Tax Report.

**The Mayor led with Prayer and the Pledge of Allegiance.**

**Minutes:** Wendel made a motion to approve the February 15, 2016 minutes seconded by Garman. Vote All Yes.

**Jared Laux:** The Local Government Safety Grant is due in March; the police department would like to apply for this grant to purchase a vehicle, tasers and cameras. **Minor:** This new grant that just came out at the end of February is a Local Government Safety Grant. The State has set aside 10 million for this year and again for next year. This is to purchase equipment for fire, police and EMS. Departments can individually apply for \$100,000 separately or \$500,000 collectively with other collaborators. The funding will be decided by mid-May. It is a reimbursement grant. Funds must be spent within a year of the date of award. **Laux:** My thought is that they may give more consideration to applications that stand out from other agencies. I have quotes for a 4WD truck and a Durango AWD. With events held at Ambassador Park the 4WD would allow us to get in all areas of the park and allow us to haul things in the back of the truck. **Fiely:** Would we have three cruisers? **Laux:** For now. **Wendel:** Do you have a list of other items that we could purchase? **Minor:** We have been trying to work with St Henry EMS with their new facility. We ran into some hitches due to ownership of the EMS project. We think we might apply for an ambulance jointly with other political subdivisions allocating \$10,000 of our share to the ambulance leaving \$90,000 to apply toward our police grant request. It would be our intent to see if the County Commissioners are ok with this. A copy of the grant application was dropped off to Kim Day for the Fire Department to look at. **Diller:** This is a first year grant for all the municipalities in Ohio, it will go quick. It is better to have a purpose for the application. After discussing the pros and cons of a Durango vs 4wd truck Randy asked if council has considered the additional cost that will come with adding another vehicle. **Wendel:** That's why I think we should use the sale of the old vehicle to invest in the new. **Diller:** If you can justify the cost vs the advantage it does come with price tags. **Garman:** It should last longer. **Diller:** We would get nothing for the used cruiser. Council decided to authorize Erin to apply for the Local Gov Grant removing the cameras due to

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the new technology and not having policies set for their use. **Pearson made the motion to authorize Erin Minor to apply for a grant in the amount of \$52,000 to purchase a Dodge Durango and three Tasers with a pledge of \$10,000 in village funds toward said request seconded by Fiely. Vote all yes.**

**\*\*2016-05 RESOLUTION DECLARING IT NECESSARY TO CONSTRUCT AND/OR REPAIR SIDEWALKS, CURBS ON ELM STREET.** Post made a motion to pass the resolution on to the second reading seconded by Garman. Vote all yes.

**\*\*2016-03 ORDINANCE AUTHORIZING THE MAYOR AND CHIEF OF POLICE TO ENTER INTO A JOINTLY OWNED EQUIPMENT AGREEMENT WITH ST HENRY.** Wendel made a motion to pass the ordinance to the third reading seconded by Fiely. Vote all yes.

**Diller: The School will be taking action at their next meeting to appoint Harold Fiely to the Park Board.**

**Minor:** A map of the village was shared with council showing locations outside of the village limits where Midwest Electric currently has customers. Midwest is asking the village to sign a franchise agreement with them to protect the existing user base. We do not currently have any annexations pending with their customers. This agreement would have no impact on the village. It could establish a working relationship with them. **Diller:** If we annex in the future it wouldn't kick Midwest out. If we annex undeveloped land in the future, we could exclude DP&L on a case by case basis. If we have an opportunity down the road and it makes economic sense it would be good. Council instructed Erin to prepare the ordinance.

**Nature Works Grant:** We will have a public meeting March 14<sup>th</sup> at 7:00 pm at the beginning of the Park Board Meeting to allow the public to give feedback. We are proposing to seek funding for curtains for shelter house #4, two expression swings along with matting around the expression swings and the merry go round and possibly for transportable bleachers. A link has been posted on our website and Facebook with questions about the park for the grant.

**Recreational Trails Grant:** We received a letter from the US Fish and Wildlife; there is no danger or threats to the area. The Federal Highway Admin should be the last step. We hope to receive approval in the next six weeks. **Diller:** We have a contract with Choice One for the engineering. They have begun the TOPA and we will walk the area later this week. It should be ready to bid in six weeks.

**Keith Faber Basketball Court Grant:** I had a brief discussion with Jared Ebbing; it looks like we may get a favorable response. Construction would occur next summer if funded.

**Council Tablets:** Fiely took a tablet to test after the last meeting. He stated that it works pretty decent. Randy said that it is very simple to put the documents in dropbox, no need for copying, collating and delivering packets for each meeting. It was the consensus of Council to authorize Minor to order additional tablets for Council at a cost of \$220 each.

**Randy Diller: S Elm Street:** The preliminary drawings have been completed. The price should be less as they cut down the storm and width of the street. We should have information in two weeks and be able to bid by the end of the month.

**2016 Overlay:** March 16<sup>th</sup> is the bid opening. The final engineer price was \$83,933, close to what we had before. The winning bidder will have this summer to do it with an October deadline.

**Utility Improvements:** Lagoon PTI is subject to EPA approval. We hope to get it back soon then a package will be put together. The project will be completed this summer. Bid packets will be put together in a couple of weeks.

**Water Plant:** Garage is pretty well done. Sanitary lab will be completed in time.

**Water Line Replacement:** They crossed over the connection on Elm and will test and put in service lines later. They had some issues today. I reached out to ODOT. They will not charge the village for the trench patches for the water line replacement area.

**Park Board:** Waiting on final plan for the restrooms.

**Tree City:** Banquet will be held in April. Council is welcome to attend.

**Brick Street Maintenance:** I have received a written report from Don Pierce. He said it is a freeze thaw issue. Randy and Erin are reviewing and have reached out to another individual and then will

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set up a meeting with Redding Rock. In the meantime we will get the worst of the brick popped out and fixed before this summer.

**Tax Abatement:** J & M Mfg has three Enterprise Agreements. They are optimistic with new products coming out. With the low crop and high foreign dollar overseas it has been a strain. They plan to hire back 40 workers. The Enterprise committee felt it is a valuable industry to the community and it would be best for the community as a whole to extend the agreements for an additional year. They are on the leading edge of their market. **Fiely made the motion to extend the Tax Abatement Agreements for an additional year for J & M Mfg seconded by Pearson. Vote all yes.**

**Diller met with Cooper Farms, Mercer Electric and Ft Recovery Industries.** A storm tile now 24” is not big enough to handle the water. They will work on a possible plan to go together to get this fixed by adding a 42” tile and splitting the cost four ways. Everything goes through the pond at the Industries then through a tile on the Industries property across Coopers, the road and Mercer Electric and then a tile under the railroad.

**ODOT:** There will be a meeting next Tuesday at 10:00am to talk about the truck route and where we go next.

**Elm Street Rental:** This property has been rented out for \$500 per month.

**Community Plan:** Nothing to report.

**Dates:** Public Meeting March 14<sup>th</sup> at 7pm for the Park Grant Request. Next Sunday is the Chamber Banquet. Brandon, Roger and Rod will all be recognized. March 30<sup>th</sup> Choice One American Charity.

**FEMA Mitigation Meeting March 24<sup>th</sup>. Randy and Erin will be attending.**

**Randy stated that an Executive Session was needed to discuss litigation.**

**Poll Council:** Nothing

**Wendel made a motion to go into Executive Session to discuss the annexation litigation, seconded by Fiely. Vote all yes.**

**Fiely made a motion to go out of Executive Session seconded by Wendel. Vote all yes.**

**No action was taken from Executive Session.**

**Council Reviewed Invoices #25792 thru #25871** including then and now certificates, memo expenses and interdepartmental transfers. Wendel made a motion to approve as presented with a second by Fiely. Vote all yes. February Bank Reconciliation was presented for approval.

Staugler reported the annual report is complete and the State Auditor’s office will be here beginning March 14<sup>th</sup> to conduct an AUP Audit for 2014-15.

**Wendel made a motion to adjourn the meeting seconded by Pearson. Meeting adjourned at 10:12pm.**

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David Kaup

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Roberta Staugler