

VILLAGE OF FORT RECOVERY SPECIAL & REGULAR COUNCIL

May 02,

16

CALL TO ORDER: President Dave Bretz called to order the Special Council Meeting on May 02, 2016 at 7:00 pm at the Village of Fort Recovery Council Meeting Room to discuss the Zoning Map Amendment for Nick & Kristy Wehrkamp, Verlin & Mindy Luster and Dan Carr's lots on Sharpsburg Road.

Roll call was conducted with the following Council members **Present:** Erik Fiely, Cliff Wendel, Dave Garman, Scott Pearson and Dave Bretz (*Correction 5-16-16 add: Al Post.*) **Absent:** Mayor Kaup **Also Present:** Randy Diller, Roberta Staugler, Erin Minor, Nick & Kristy Wehrkamp and Verlin Luster.

The President led with Prayer and the Pledge of Allegiance. Mayor Kaup arrived.

Mayor: We are here tonight to review the zoning map amendment application.

Randy Diller: We have a joint application from Verlin & Mindy Luster, Nick & Kristy Wehrkamp and Dan Carr to rezone their property located on Sharpsburg Road. Luster & Wehrkamp from R-3 to R-1A and Carr from I to R-1A. Carr withdrew his previous application and joined with Wehrkamp's and Luster's. The Planning Commission recommended the change be allowed on the six lots. A registered mailing was sent to adjacent property owners and notice was published. Randy has received no feedback on this application. We are here tonight to discuss this application. Council can approve or deny this request. They have up to 30 days to take action. The zoning change is not official until it is passed with an ordinance. Council can make it official by taking action tonight and following up with legislation. **Pearson:** Must all the lot change requests be approved? **Randy:** You can approve, deny, or modify the Planning Commission's recommendation **Wehrkamp:** I would rather the request be modified instead of denied. We would rather not have to go through this process again. **Minor:** Keep in mind that of Carr's 2.2 acre parcel only .8 acre will be changed from I to R-1A. A large piece will stay industrial. The property has not been surveyed yet. **Pearson:** I have no problem with the Wehrkamp and Luster request. We decided three years ago not to switch another parcel out of industrial. I feel it should stay industrial. **Bretz:** I can't say I disagree. I don't know what would come in. I am not saying I wouldn't vote for the change. **Mayor:** I have the same issue. **Minor:** The question goes back to at least in respect to Doc's property. Do you think making the change is a negative to the community?

Diller: I agree with Scott it was a contentious issue when we made the decision to not change the last request. That property was on the highway and next to a road to the industrial park. The question on this application is how usable is this piece of ground as industrial? As it is laid out it may make more sense to be changed. We are talking about a parcel that was zoned industrial in 1994. It has never been used for anything. With this new request we have potential for something that will lead to some growth. There is still potential yet on the corner of this property. Doc wants to do something different for his business. **Bretz:** How big is the remaining lot Doc has plus the remaining lot owned by Suburban? **Minor:** About five acres. Suburban Propane still owns about three acres. Three acres is something that would be marketable. **Bretz:** Can we put covenant restrictions on the lot?

Arriving at 7:15pm Rod Thobe, Brandon Wyerick and Ed Gilbert

Minor: We don't have a basis for imposing restrictions. **Bretz:** Would he agree to restrictions?

Minor: I would need to see whether they would be enforceable. **Bretz:** Can we keep him from putting more store and locks out there? **Minor:** They are permitted uses. I can't speak for him but I haven't heard anything about putting store and locks in. I don't like the idea of putting restrictions on property that conflicts with our zoning code. **Bretz:** I think it seems like we should have some discussion.

Garman: I agree. Each request is different. The lots have set there for 23 years. I think we should approve it as proposed. It looks like he has a solid plan. It seems like he has made improvements for the town. **Post:** I agree if he doesn't put up a medical building those two lots are useless. **Fiely:** The location makes sense for a commercial building on an industrial lot. I am not opposed. This will make the view more presentable. **Wendel:** I need to recuse myself from this conversation and vote.

Fiely made a motion to approve the application to change four lots on Sharpsburg Road from R-3 to R-1A and two proposed lots from I to R-1A. Post seconded. With Wendel abstaining, Fiely, Post, Garman, Bretz voted yes and Pearson voted no. Motion passed.

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Minor will draft legislation to change the zoning on the lots and present at the May 16, 2016 Council meeting. **Leaving the meeting:** Wehrkamps and Luster. **Joining the meeting:** Boy Scout Chris Knoth.

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Reports to Council: Village Administrators report.

Minutes: Fiely made a motion to approve the April 18, 2016 minutes seconded by Pearson. Vote all yes. **Poll Visitors:** Nothing to report.

Erin Minor: A speed trailer report was included in council dropbox for Broadway Street. The trailer was posted there after a resident complained about the traffic. 78% of the vehicles monitored were at or below the speed limit. Randy and police department will be in contact with the homeowner. At this time, no signage changes are planned.

****2016-06 ORDINANCE SETTING FORTH RECOMMENDED PENALTIES FOR TAX VIOLATIONS.** Post made a motion to pass the ordinance seconded by Pearson. Roll call vote all yes.

****2016-07 ORDINANCE TO CHANGE ZONING CLASSIFICATION OF REAL ESTATE.** Bretz made a motion to pass the ordinance seconded by Fiely. Roll call vote all yes.

Staugler discussed the Emergency Budget Statement which is now included in the Water Department Emergency Contingency Plan. The current statement is for emergency purchasing of up to \$25,000. Randy stated that he felt it should be raised to \$50,000. Minor will rewrite the statement to authorize the Mayor, President or Diller to make emergency expenditures of up to \$50,000 to present at the next meeting of Council.

Minor: Recreation Trail Grant: We received a fully executed contract from ODNR. Choice One is finishing up the plans and specs for us to submit to ODNR.

Nature Works Grant: Historically Mercer County received each year \$40-\$50,000. We planned our project based on historical allocations. In 2015 it was \$49,000. The 2016 allocation is \$15,880. 85%-90% of the counties took significant cuts. Mercer County fared well in the budget bill and we suspect this is the reason for the cut to our county in this grant. We are waiting on quotes. We are planning to request funds to buy some expression swings and rubber surfacing for around the swings, merry-go-round and fort area.

Benches: To date we have 14 benches paid for and one commitment. We are overall pleased.

Minor ended by requesting an executive session to discuss litigation.

Randy Diller: South Elm Street Reconstruction: We opened three bids on April 27th. The winning bid went to Tom's Construction for \$116,874. Bids were also received from Shinn Brothers for \$118,000 and PAB Construction for \$136,922. Choice One has reviewed the bids and bonding for the project. They recommend we approve the bid. **Bretz made a motion for Randy Diller to enter into a contact with Tom's Construction in the amount of \$116,874.00 for the reconstruction of Elm Street seconded by Fiely. Vote all yes.** Buehler's should be in town to do the overlay on John Street at the same time they will be doing the Dollar General parking lot sometime in June.

Lagoon Improvement Project: Choice One will be in to do staking then we will be able to advertise for bidding on the project.

49 Sanitary Line: Beaverdam plans to be here this week or next to do some seeding work along the SR 49.

Water Plant: The 32 year old roof was replaced. We will begin work shortly on the PTI to submit to EPA for replacement of the caustic soda tank. The recent plant study indicated this is the best option for us. They will also be installing new plumbing off of the filter to increase the life of the filters to 15 years. We are currently only getting 3-5 years.

Zoning: There will be a variance meeting this Wednesday night May 4th at 7pm for lot size variance request.

Buck Ditch: We began to replace two 42" tiles yesterday behind Hastings lot because they collapsed. The cost will be \$15-\$20,000. The size of the tile has not been changed.

Brick Street: We did some maintenance by replacing broken bricks to make it safe.

Important Dates: May 7th Village clean-up 5:30am. Village auction of unused items at 10:00am. May 6th Cruise-In. May 21st Mad Run.

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Street Department: Bucket Truck has been purchased.

Community Plan: We will have the plan within two weeks.

SR 119: The state should be here this week or next to complete the overlay thru town.

Lester Street: Randy is working with Jerry on the potential plan to extend utilities to Lester Street.

Poll Council: Nothing to report.

Mayor: Do I have a motion to enter executive session to discuss litigation involving the Village that is currently pending before the Mercer County Court of Common Pleas, in accordance with Ohio Rev Code § 121.22(G)(3)? **Wendel made a motion to go into Executive Session to discuss litigation seconded by Fiely. Vote all yes by roll call vote.**

Fiely made a motion to exit Executive Session seconded by Wendel. Vote all yes. Minor will prepare a settlement counter-offer to forward to Appellants.

Council Reviewed Invoices #26010 thru #26060 including then and now certificates, memo expenses and interdepartmental transfers. Fiely made a motion to approve as presented with a second by Wendel. Vote all yes.

Fiely made a motion to adjourn the meeting seconded by Wendel. Meeting adjourned at 9:15 pm.

Mayor Dave Kaup

Roberta Staugler