

RECORD OF PROCEEDINGS
VILLAGE OF FORT RECOVERY REGULAR COUNCIL

Minutes of

Meeting

BEAR GRAPHICS 800-325-8094 FORM NO 10148

Held

October 02, 20 2017

CALL TO ORDER: Mayor Dave Kaup called to order the Regular Council Meeting on October 02, 2017 at 7:30 pm at the Village of Fort Recovery Council Meeting Room to conduct regular business.

Roll call was conducted with the following Council members **Present:** Erik Fiely, Al Post, Dave Garman, Scott Pearson and Dave Bretz. **Absent:** Cliff Wendel **Also Present:** Randy Diller, Roberta Staugler, PG Jellison, Sydney Albert, Julie Valentine, Stephanie Bruns, Brandon Wyerick and Neal Spencer.

The Mayor led with prayer and the Pledge of Allegiance.

Minutes: Pearson made the motion to approve the September 18, 2017 minutes seconded by Fiely. Vote all yes.

Reports to Council: VA Report, September Income Tax Report.

Poll Visitors: Stephanie Bruns was present to discuss the Inergy Propane lot located next to her property. **Brunns:** Inergy Propane has a 3.139 acre lot for sale. I know that back in 5/2/16 you allowed an industrial lot to be rezoned to residential. I am wondering if you will consider this again. **Diller:** Stephanie contacted me in regard to the lot wanting to know if there was a chance we would change this lot to a residential lot. I told her I felt there was slim to no chance that this property would be taken out of industrial as it is a good use for this property and I do not think we would change it back to residential. **Brunns:** I know Doc sold off two lots with the intent to put a medical office on the remaining lot. This property is too much for us. Our concern is that Inergy priced this property assuming that someone would rezone it to residential. We have an interest in purchasing the lot to take control of it. We might sell it again and I just want to know what our options are. **Fiely:** It is my personal opinion that we have residential lots available and it would be strange to change it when industrial lots are where we would come up short. Ten years out if we are short on residential lots we would look at it. **Diller:** Right now it holds more value for council to maintain it as industrial. Not sure why anyone would want a house on Industrial Drive. **Mayor:** Is this something you want to purchase? **Brunns:** Yes. Nathan has someone that may want to fund him. We may need to rezone it for commercial use to put up a shop. Even if we sell someday it would be a shop big enough to start a business. **Mayor:** Where does he work? **Brunns:** Precision Strip. **Bretz:** We need industry I can't see changing it to residential now. **Diller:** Let me make it clear on her part, she does not want to see it changed to residential. **Brunns:** If we were to sell part of it as industrial, would we be able to do that? Maybe plant trees on the back part and put a drive from ours through to the other side. **Diller:** I am not sure you would want a drive clear through. If Inergy calls I would let them know we are not interested in changing to residential. **Brunns:** We did make an offer to which they made a counter offer. **Post:** I feel it should stay industrial; in the future it is hard to say. **Brunns:** If we purchased it and the business would not be industrial could we put in a commercial business? **Diller:** You could apply for a conditional use permit. Come in to talk to me about the details. There are special requirements to make it happen; we want to make sure it fits in the area. **Garman:** I think it would be nice to get it out of Inergy's hands since it has sat there so long, I agree with Erik.

RESOLUTION/ORDINANCES

RESOLUTION 2017-28 A RESOLUTION TO AMEND 2017 APPROPRIATIONS. Pearson made a motion to suspend the rules seconded by Garman. Vote all yes. Post made a motion to pass the resolution seconded by Fiely. Vote all yes.

Staugler: Updated council on the recent purchase of a new server for the village. We have switched email to Office 365 and are conducting daily back-ups to external drives for individual computers and an external backup and the cloud for the server. We also contract with Twenty-nine Technologies on an as needed basis.

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Diller: reporting for Minor: Pavilion: We are waiting on local contractors and sub-contractors to submit bids for the construction of the pavilion. We hope to get it finalized soon with the plan to complete in 2018 and be able to rent it in 2019.

Annexation: Leuthold: We will wait the necessary 60 days. Erin has the ordinance ready to read at the November 20th meeting.

William Street: We received the storm sewer easement from the school; once recorded the project will be ready.

Medical Marijuana: Erin has recommended three options for council to consider in which direction we want to go. 1.) Do nothing by allowing the moratorium to expire and know that Medical Marijuana could be sold in our community. 2.) Permanently ban the sale of medical marijuana. The zoning code would need to be revised to not permit the sale. 3.) Extend the moratorium for an additional period of time. The program will take until September 2018 to be fully implemented. By extending it no one else would be permitted in the area. The growers have been determined. The Universities are going after the testing. Erin is asking for your direction. **Mayor:** I did receive an email from the chief. The police department is leaning toward a permanent ban. I also received a couple of messages since the last meeting. **Diller:** So have I. The high school government class took on community projects. The consensus from their letters was; why we would consider doing anything else? **Mayor:** The reply's I received from people were that they saw no reason not to put on a permanent ban. **Bretz:** Our tax money has decreased; I see this as money possibilities. **Diller:** It is hard to tell how much money this would bring in. It would be taxed on net profits. **Fiely:** I realize people benefit medically, the question is do you want to dispense it in our community? **Diller:** It is hard to split medical from recreational use. The perception is that we are allowing a recreational shop in. **Fiely:** It is illegal on the federal level and you cannot make it a prescription drug. **Diller:** If someone would open up an individual shop the tax money would be different than if a corporate based shop would open up, then the tax money would go to Columbus. **Garman:** Anytime something new is introduced it is hard to know what to do. I think the safest thing to do would be to extend the moratorium and then wait to see what shakes out. When the government is involved you can't say they have it figured out. **Diller:** Erin suggests an 18 month moratorium. A permanent moratorium could be changed. **Fiely:** I think we should go with a temporary ban; a permanent ban may scare a business off. **Garman:** I think there is too much confusion. **Bretz:** There is not much chance someone will open a business here. **Mayor:** Does council want to extend the moratorium? **Diller:** You could extend it and if you decide later to do something else you can change it. **Pearson:** I don't think we should do it for 18 months. **Diller:** You could do another six month moratorium giving me the authorization to extend it for another six months. **Mayor:** Ok can you have Erin prepare the documents for the next meeting? **Diller:** Yes.

Diller: Income Tax: With the changes the state made to our income tax rules there is now a group of people that are challenging the state for over stepping their boundaries. They are fighting central collection and the changes that were made in 2014. We were solicited to see if we would contribute \$1,000 to this group based on our size. I told them we are small enough that it is not financially feasible. They plan to file a writ of mandamus to the Supreme Court. This would give them the ability to make a decision before any change would take effect at the end of the year. If I think we need to be an active supporter then I will come back to council with a request. The state continues to cut into the home rule.

Capital Budget Bill: We will file the school easement this week. This will be an early 2018 project. There is one pole that Frontier needs to take down. One street light at the corner needs moved. I anticipate they will be working on this shortly.

First Street Utility: The project is complete. They will be back to do more seeding.

NPDES Permit: We have received the permit draft. The new permit does not change. They have taken out the CSO. Post construction we have two years' worth of things we need to get done. In regard to the NOV for the water department: The CO2 tank is still being

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used. The filter media is back in place. There are no issues with the caustic tank which we have until 2020 to replace. We did receive the final paperwork. There are two recommended items. 1.) Update the permanent operation and maintenance manual. Which we do but will put it in a format that they want. 2.) Install effluent meter on the lagoons. The aerators are the biggest electric expense we have.

Water Dept: We had an overflow from the lime sludge pond which went out to the Fort Creek. It was tested and was not hazardous, nothing that would kill fish. The thick sludge could get in their gills. We had Mike's Sanitation suck it all out. You would not know that it happened.

Mayor: What did happen? **Diller:** Every six months they clean the water clarifier by draining and cleaning it. They pump it out to our sanitary. The pump was not working and it went out the overflow. The bottom line is we need to make some changes. We are working on solutions. EPA wrote us up a violation. We have a short term solution. We will change how we transfer the water by pumping clean water to the sanitary. Mike's Sanitation will come in once a month to pump the pit, or if we can handle it we will. It is not eligible to be land applied.

Park Board: Nothing new to report. The courts project will begin in November. We will have a pre-construction meeting.

Nature Works: The new playground is finished. The seeding is done. We will be finalizing the grant paperwork.

Park Restroom: We have a little more electrical to do.

Zoning: We had a hearing for a conditional use request from Chad & Anne Guggenbiller for the old fire hall. They are converting it into a single family residence. It was approved; they plan to make changes that will make it look more like the original building with the entrance in the same location as the old town hall. I think it will be good for our downtown. W&L Holdings has a request for a conditional use for the old Home Idea building. It will be used for a professional business for Amy Wendel. The meeting for the permitted conditional use permit will be next Monday.

Electric Aggregation: If you are currently on the AEP Aggregated rate you will be switched to DYNEGY at the new rate of \$.0529 cents per kWh. A letter was sent to 168 people under contract in error. They will resend the letter to those that received a letter in error. It should hit their mailbox in the next day or two.

Streets: The crack seal and street patching will begin this week. There are five patches that will include the one on Ft Recovery Minster Road.

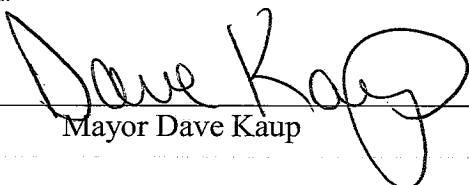
State Route 49 N Reroute: Randy is still working through the numbers.

Important dates: Cruise In 10/15/17 and the One of a Kind Auction 10/15/17.

Poll Council: Bretz: Where are we at on the brick street? **Diller:** I am requesting a lifetime supply of bricks. As we replace them there have been less and less bad bricks. We will keep replacing them. **Pearson:** There are divots and bad spots on the street, will they be fixing them? They are in the north lane heading west by the high school and by the traffic light the south lane by the Purple Post. **Diller:** I will check them out.

Council reviewed invoices #027277 to #027306 including then and now certificates, inter-departmental transfers and memo expense #201763. Fiely made a motion to approve as presented, which was seconded by Pearson. Vote all yes.

Fiely made a motion to adjourn the meeting seconded by Pearson. Meeting adjourned at 8:24 PM.


 Mayor Dave Kaup


 Roberta Staugler