

MINUTES OF PERRYSBURG CITY COUNCIL

MEETING HELD MARCH 3, 2015

Mayor Olmstead called the meeting to order at 6:30 p.m. Present were Council Members Todd Grayson, John Kevern, Tom Mackin, Jim Matuszak, Tim McCarthy, Rick Rettig and Barry VanHoozen (7). Also present were Bridgette Kabat, City Administrator, David Creps, Clerk of Council, and Mathew Beredo, Law Director.

Mr. Kevern moved to approve the minutes of the February 17, 2015 meeting and to dispense with their reading. Mr. Grayson seconded, and the minutes were unanimously approved.

SPECIAL REPORTS

Rob Brunner, Chairman of Winterfest, was present to thank the City for its support in making Winterfest so successful. Mayor Olmstead agreed that it was a wonderful event and he thanked Mr. Brunner for his efforts.

LETTERS, COMMUNICATIONS, AND CITIZENS' CONCERNS

None.

ADMINISTRATIVE REPORTS

Mayor's Report

Mayor Olmstead recommended that Craig Pickerel be appointed to the Board of Zoning Appeals for the term ending December 31, 2017. Mr. Kevern stated that the Appointment Review Committee agrees with the Mayor's recommendation. Mr. Kevern moved to appoint Craig Pickerel to the Board of Zoning Appeals for the term ending December 31, 2017. Mr. Mackin seconded and it was unanimously approved.

Mayor Olmstead stated that the Wood County Economic Development Commission's annual dinner is scheduled for Tuesday, March 17, 2015, the same evening as the next City Council meeting. He asked if Council members had any feelings about moving the time of the City Council meeting to 5:00 p.m. on that day. Mr. Kevern moved to change the March 17, 2015 City Council meeting to 5:00 p.m. Mr. Matuszak seconded. Mr. Grayson said that since there will be a vote on the budget amendment at that meeting and it is difficult for residents to get to a 5:00 meeting if they work, he would prefer that it be moved to a different day. Mr. Kevern amended his motion to move the City Council meeting to Thursday, March 19, 2015 at 6:00 p.m. Mr. Rettig seconded and it was unanimously approved.

City Administrator's Report

No report.

Finance Director's Report

No report.

Director of Law Report

No report.

President of Council Report

No report.

COMMITTEE REPORTS

Finance Committee:

No report.

Next meeting: Tuesday, March 10, 2015 at 5:00 p.m. Mr. Mackin said the Committee will be discussing the budget amendment at the meeting.

Mr. Mackin introduced **ORDINANCE 13-2015 AMENDING ORDINANCE 96-2014 TO AMEND APPROPRIATIONS FOR CURRENT EXPENSES AND OTHER EXPENDITURES FOR THE YEAR BEGINNING JANUARY 1, 2015 AND ENDING DECEMBER 31, 2015 AND DECLARING AN EMERGENCY** and moved that the rules be suspended to allow for its reading by number and title only. Seconded by Mr. Matuszak. Ayes: (7). Nays: (0). The Clerk read Ordinance 13-2015 by number and title only.

Economic Development Committee:

No report.

Next meeting: Wednesday, March 18, 2015 at 5:00 p.m.

Service-Safety Committee:

Mr. Matuszak gave his report of the February 23, 2015 meeting, a copy of which is attached hereto and made a part of these minutes.

Next meeting: Monday, March 23, 2015 at 5:00 p.m.

Mr. Matuszak introduced **ORDINANCE 14-2015 AUTHORIZING THE CITY TO ENTER INTO AN AGREEMENT WITH PARAGON CMS FOR WORK ON THE CITY'S EXPANDED 2015 SIDEWALK PROGRAM AT A CONTRACT PRICE OF NINETY-TWO THOUSAND SIX HUNDRED FIFTY-TWO DOLLARS AND THIRTY-ONE CENTS (\$92,652.31) AND DECLARING AN EMERGENCY** and moved that the rules be suspended to allow for its reading by number and title only. Seconded by Mr. Rettig. Ayes: (7). Nays: (0). The Clerk read Ordinance 14-2015 by number and title only. Mr. Matuszak moved that Ordinance 14-2015 be approved as an emergency. Seconded by Mr. Kevern: Ayes: (7). Nays: (0).

Recreation Committee:

No report.

Next meeting: Tuesday, March 10, 2015 at 6:00 p.m.

Planning And Zoning Committee:

Mr. McCarthy gave his report of the February 18, 2015 meeting, a copy of which is attached hereto and made a part of these minutes.

Next meeting: Wednesday, March 18, 2015 at 5:30 p.m.

Mr. McCarthy introduced **ORDINANCE 15-2015 AMENDING THE ZONING MAP OF THE CITY OF PERRYSBURG, WOOD COUNTY, OHIO, TO REZONE A PORTION OF PARCEL Q61-100-130000040001 AS R-3 (SINGLE-FAMILY RESIDENTIAL) AS REFLECTED ON EXHIBIT A AND DECLARING AN EMERGENCY** and moved that the rules be suspended to allow for its reading by number and title only. Seconded by Mr. Grayson. Ayes: (7). Nays: (0). The Clerk read Ordinance 15-2015 by number and title only. Mr. McCarthy moved that Ordinance 15-2015 be approved as an emergency. Seconded by Mr. Grayson.

Mr. Mackin said that the ordinance addresses the City's commitment for the area to remain passive and to allocate the open space fee from the Hawthorne subdivision to that area. Mr. Kevern asked why the property wasn't deeded to the Black Swamp Conservancy if the former property owner wanted it to remain open. Mr. Beredo said that he could not speak to Mr. Howald's intentions, but from reviewing the file he knows there were some tax implications involved at the time. Mr. VanHoozen asked about the intent of Mr. Howald at the time of the sale of the property to the City. Mr. Beredo said that there are no restrictions in the deed language and there is specific correspondence at the time indicating that there would be no deed restrictions. Mr. Rettig asked about the City's goal to provide recreational opportunities on this parcel. He said that passive sounds favorable but it is so open ended it means nothing.

Terry Elmore, 2292 Coe Court, said that when he purchased his property in 1986 he was told by the builders that the area would never be touched and when he asked the developer, Dold Homes, if the stub streets would extend, they said no that the stub street area was there so they had somewhere to push snow. He said that he thinks it is a breach of trust to touch any of it. He feels that the Hawthorne subdivision has other areas to get egress from and for a long time McKinley Woods only had access from Coe Court. Mr. Beredo said that he cannot speak about what was told to residents in the mid 1980's but the City did not own the land at that time and neither did Dold. He said it appears the developer made representations about property that he did not own. Mr. Beredo added that the actual rezoning is immaterial to construction of the roads.

Erin Hafner, 2318 Coe Court, asked if deeding the property to the Black Swamp Conservancy would keep it from being touched. Mr. Mackin said that the City can be as good a steward of the property for the betterment of the entire community consistent with our goals and objectives as a third party. Mr. Beredo added that deeding the property to a third party gives away control because they can sell it to anyone. Mr. Matuszak asked if we could put deed restrictions on the property. Mr. Beredo said that deed restrictions reflect a contract that is part of a sale. He said that this discussion is questioning the actions of future Councils, and they would be the same ones enforcing any deed restrictions. He said that there is no mechanism that is better for controlling the use of this land than its continuing ownership by the City and control subject to public meetings like this one.

Wanda Guy, 2306 Coe Court, moved into her property in 1995. She said that she paid extra for a lot by the woods. She asked if the agreement between the developer and the City to put in the road could be rescinded.

Jim Hagen, 10741 Avenue Road, asked if the design of Ringle Road could be changed.

Ms. Kabat stated that the design was approved as part of the preliminary plat and the agreement with the developer. The developer would have to spend additional dollars to get the Plans redone and would have to go through the process to get it approved.

There was discussion regarding the developer's options should the City not fulfill its side of the agreement.

Mr. Rettig reiterated his request for illustration as to the City's intention for this parcel. Mr. McCarthy said that he believe's it is the City's intention to hold it for S1 open space. Mr. Beredo said that there is no intention of developing it; the City does not create pocket parks. He said that the City's current plan is to do nothing with it until a plan is presented that makes sense and then that plan would be reviewed. Mr. McCarthy said that he feels that City Council has to do the best it can to protect residents. However, they were told by realtors and developers that property that was privately owned would never be developed. He said the same thing happened with the Costco property which is right along a highway.

Shannon Hammond, 1417 Ridge Cross Road, asked if there is any designation that can be given to the property to protect it. Mr. Beredo said that zoning is always subject to being rezoned. He said that all uses under INS zoning have to go through the Special Approval Use process, but there is also a broader pool of potential uses. Ms. Hammond asked if the road has to go in if the property is rezoned and if there is any way to oppose it. Ms. Kabat said that it is a legally binding contract and one party does not have the unilateral right to void it.

Ayes: Grayson, Kevern, Mackin, McCarty, Rettig, VanHoozen (6). Nays: Matuszak (1).

Personnel Committee:

Mr. VanHoozen gave his report of the February 24, 2015 meeting, a copy of which is attached hereto and made a part of these minutes.

Next meeting: Tuesday, March 24, 2015 at 5:00 p.m.

Health, Sanitation and Public Utilities Committee:

Mr. Grayson stated that there was no meeting in February because the only agenda item was a request for a sewer credit.

Mr. Grayson moved to grant a sewer credit in the amount of \$1,027.00 to Brooke Brockschmidt, 836 Bridgeton Lane. Seconded by Mr. McCarthy. Ayes: (7). Nays: (0).

Next meeting: Tuesday, March 24, 2015 at 6:00 p.m.

OTHER BUSINESS

None.

ADJOURNMENT

Mr. Kevern moved to adjourn the meeting at 8:07 p.m. Seconded by Mr. Grayson.
Ayes: (7). Nays: (0).

David D. Creps, Clerk

Michael J. Olmstead, Mayor