

**MINUTES OF SPECIAL PERRYSBURG CITY COUNCIL**

**MEETING REGARDING APPEAL OF HLC DECISION**

**HELD SEPTEMBER 4, 2018**

Council President Jim Matuszak called the meeting to order at 5:30 p.m. Present were Council Members Deborah Born, Haraz N. Ghanbari, Jim Matuszak, Jonathan Smith, Barry VanHoozen, and Becky Williams. (6). Absent: Tim McCarthy (1). Also present were Mayor Tom Mackin and David Creps, Clerk of Council.

This meeting was a continuation of the hearing held on August 23, 2018 regarding an appeal filed by Andrew and Valerie Wilhelms with regards to a Historic Landmarks Commission decision regarding the property at 120 West Second Street.

Mr. Matuszak said that at the conclusion of the last meeting where testimony was presented by the appellant, the City, members of the Historic Landmarks Commission, and others, it was decided that there would be no more testimony or evidence presented.

There was discussion regarding the Code sections that apply to appeals.

Jon Orser, 125 E. Front Street, said that he did not testify at the last meeting, and he has accumulated information since that time. Mr. Matuszak reiterated that that portion of the hearing has been completed.

Mr. Matuszak moved to reverse the decision of the Historic Landmarks Commission to deny a certificate of appropriateness for Andrew and Valerie Wilhelms, 120 West Second Street. Seconded by Mr. VanHoozen.

Ms. Born read a prepared statement that she referred to as a legal opinion. She said that the structure is a gem and should not be torn down. Mr. Matuszak said that under 1245.56 there were procedural errors made by the Historic Landmarks Commission, there was an incomplete explanation of the denial by the Historic Landmarks Commission, and there is an inherent weakness in our Code because you can't split the vote to demolish and rebuild. Mr. Ghanbari agreed that there were procedural errors and incomplete presentations. He said that he does not believe the design of the new home will fit in the neighborhood, but because of a technicality he will be voting yes. Ayes: Ghanbari and Matuszak (2). Nays: Born, Smith, VanHoozen, and Williams (4).

Mr. Matuszak said the decision of the Historic Landmarks Commission has been affirmed.

**ADJOURNMENT**

Mr. Matuszak moved to adjourn the meeting at 6:05 p.m. Seconded by Mr. Smith. Ayes: (6). Nays: (0).

David D. Creps, Clerk

Thomas G. Mackin, Mayor