

VILLAGE OF OAK HARBOR
Planning Commission
Monday, November 8, 2010
7:06 P.M

Chairman Scott Gluth called the meeting to order at 7:06 P.M.

The following members were present: Chairman Scott Gluth, Mayor Fred Conley, William Eberle, and Gary Quisno. Absent: Jim Smith.

Also in attendance was: Rob Pauley, Village Administrator/Zoning Administrator.

Public in attendance: Ms. Linda Nix, manager for Matt Spieldenner's arcade/ internet café located at 107 N. Locust Street.

A motion was made by Fred Conley, seconded by Gary Quisno to approve the minutes of October 11, 2010, regular Planning Commission meeting. On roll call vote, all were in favor of said motion. Motion carried.

Repeal of Section 153.600 – Section 153.602 of the Village of Oak Harbor Zoning Ordinance regarding Small Wind Turbine Energy Systems:

Administrator Rob Pauley explained that during the process of codification, the Village's legal publisher, American Legal Publishing, incorrectly included a motion that sent "Small Wind Turbine Energy Systems" legislation back to the Planning Commission from the Village Council. It was included in the codification incorrectly, and was not adopted. To correct the error, those sections need to be repealed. This will not affect the "Wind Energy Systems", Section 153.490 that had been properly adopted early last summer.

Mayor Conley asked if we were sure that repealing these sections would not cause problems with the sections that had been properly adopted. Administrator Pauley indicated that repealing sections 153.600 thru 153.602 would clear up matters, and assured the Commission that the properly adopted wind energy systems sections would not be affected.

Motion made by William Eberle, seconded by Gary Quisno that the Planning Commission held a Public Hearing on November 8, 2010 to consider amendments to the Land Use Plan (Zoning Code), repealing Section 153.600, Section 153.601 and Section 153.602 "Small Wind Turbine Energy Systems; and following the public hearing, and after deliberation and discussion, the Planning Commission has determined the Village of Oak Harbor's Zoning code has an ambiguity regarding the regulation of small wind turbine energy systems, and the Village of Oak Harbor needs to take measures to correct the ambiguity; and the Village of Oak Harbor Planning Commission has reviewed the zoning ordinances and determined that Sections 153.600, 153.601 and 153.602 should be repealed; therefore the Planning

Commission does recommend to the Village Council of the Village of Oak Harbor that the Codified Ordinances of the Village of Oak Harbor be amended and that Sections 153.600, 153.601 and 153.602 of the Zoning Code be repealed. On roll call vote, all were in favor of said motion. Motion Carried, the recommendation will be transmitted to the Village Council.

Miscellaneous:

Administrator Pauley explained that Ms. Joyce Gates, the mother of Mr. Matt Spieldenner – owner & operator of the arcade/internet café – had stopped in the office this afternoon to apply for a sign permit for the business. Administrator Pauley explained that Mr. Spieldenner had not supplied any of the information that was required when he exceeded 20 skill game machines at the business, and had not registered the business with the Police Department. As part of his initial use verification for the business, Mr. Spieldenner was required to return to the Planning Commission to revisit issues associated with the business when he exceeded 20 machines. This had been explained to Mr. Spieldenner on numerous occasions by Mr. Pauley, his administrative assistant Ms. DiMasso, as well as Chief Weirich; as well as put in a letter to Mr. Spieldenner by Administrator Pauley. Administrator Pauley reported that Mr. Spieldenner had informed him that he has brought in new games that work with “youredeem.com” and had spoken with the landlord about the use of the landlord’s parking lot; and had informed Chief Weirich that there were 33 machines at the business. Ms. Gates had sent a text to the manager of the business, asking her to be at the Planning Commission meeting that evening.

Ms. Linda Nix indicated that she was the manager for Mr. Spieldenner’s business at 107 Locust Street, and she was here to find out what information was required, as Mr. Spieldenner had not informed her of any of the permitting requirements, and he was working in Michigan.

Administrator Pauley reported that as of today, no occupancy permit had been issued by the County Building Department, there were safety concerns as the secondary means of egress was through the mechanical & utility closet that had the furnace unit and exited to the enclosed garage bay of the building. Administrator Pauley informed Ms. Nix that as part of the original use verification permit, Mr. Spieldenner needed to return to the Planning Commission when he went beyond 20 skill games. Ms. Nix reported that these weren’t skill games, that they were connected to the internet. Administrator Pauley said that if this was the case, that these were not skill games as Mr. Spieldenner had indicated to the Planning Commission and on his zoning permit application, there were serious problems and the business would be shut down immediately and the permits revoked immediately. Ms. Nix said that she would check with Mr. Spieldenner. Administrator Pauley said the Planning Commission needed to know the number of machines at the business, as well as the total number that are intended to be put at the facility, so the Planning Commission could properly address the required off-street parking. Administrator Pauley said that the landlord, Jess Burdine, had provided a copy of the parking agreement for the property across the street and there were 9 -10 spots at the rear

of the lot, and approximately 12 spots available in the front lot that were available after-hours when Dr. Ragothaman was closed.

Commission member Jim Smith entered the meeting at 7:14 P.M.

Administrator Pauley also indicated that Mr. Spieldenner told the Commission, for the original permit, the prizes for the skill games would be gift cards for local business and gas stations, as well as redemption through "youredeem.com"; and that the opening signage indicated \$1,000 and \$2,000 cash prizes. This cash jackpot was a violation of the Ohio Revised Code regulating skill games, and would be considered gambling. Ms. Nix said that they didn't have enough people yet to have a drawing for the gift cards at the IGA and Ace Hardware. Administrator Pauley informed Ms. Nix that Mr. Spieldenner had told the Planning Commission, as well as the Village Council, the cards were to be the prizes for the skill games. Ms. Nix said that she didn't know anything about that, but that she would contact Mr. Spieldenner.

Administrator Pauley told Ms. Nix that since the information that was needed from Mr. Spieldenner for today's Planning Commission meeting had not been submitted, it needed to be submitted to the administrator's office no later than close of business on Monday, November 15th, or the use verification permit would be revoked the next morning, November 16th. Administrator Pauley told Ms. Nix that the business needed to register with Chief Weirich for the arcade license, fee of \$50.00, and that the Village Council had changed the legislation removing the \$15.00 per machine registration fee requirement. Chairman Gluth stated that none of the business presentation given to the Planning Commission by Mr. Spieldenner had been followed, and if the needed information was not submitted to Administrator Pauley by the close of business on Monday, Administrator Pauley would revoke the use permit.

Ms. Nix asked where the administrator's office was located and what the hours were. Administrator Pauley gave Ms. Nix his business card, stating that the office was in the building next to the municipal building and the office hours were 8:00 A.M. to 4:30 P.M. Administrator Pauley told Ms. Nix that immediately following this meeting, he would take her to the police dispatch office, the police department needed emergency contact information for the business. Administrator Pauley asked Ms. Nix what was the best way to contact her regarding the business. Ms. Nix provided her cell phone number.

Chairman Gluth asked if there was any other business for the Commission this evening. As there was no further business, a motion was made by Fred Conley, seconded by Jim Smith that the meeting be adjourned. On roll call vote, all were in favor of said motion. Motion carried. Meeting adjourned at 7:25 p.m.



Scott Gluth
Chairman