

**RECORD OF PROCEEDINGS**  
OAK HARBOR COUNCIL

Minutes of

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

November 19, 2012

Held \_\_\_\_\_

Mr. Fickert, President of Council, announced that Mayor Conley was ill and asked Mr. Fickert to conduct the meeting.

Jon Fickert called the regular meeting of Council to order at 7:00 pm with the Pledge of Allegiance. Roll call was requested with the following members present: Don Douglas, Bill Eberle, Jon Fickert, Angela Petersen, Jim Seaman, and Donna Wendt-Elliott.

Minutes of the November 5, 2012 meeting stand approved with the following corrections: Under the Police Report the Trick or Treat was stated as being changed from Friday to the following Wednesday. As corrected it should read "Trick or Treat was changed from Wednesday to the following Friday." In the Solicitor's Report the statement "and the landlord will be removed." Rules of Council & Personnel Policies Committee Mr. Seaman pointed out that people have been paid mileage for what purpose will be changed to read, "Mr. Seaman pointed out that people have been paid mileage and for what purpose."

**Privileges of the Floor:**

None

**Mayor's Report:** Mr. Fickert reported for Mayor Conley in his absence. The Oak Harbor Chamber of Commerce is featuring Video Horse Racing at their annual dinner. If anyone would like to make a contribution it is ten dollars to sponsor a horse. The Chamber also has the Parade of Trees where they utilize the Christmas trees that are on the lamp post downtown. The Chamber encourages businesses, families, friends and community organizers to sponsor one of the Christmas trees.

**Police Report:** Chief Weirich was excused from the meeting.

**Fiscal Officer's Report:** Mrs. Carpenter had no report.

**Income Tax Administrator's Report:** Income Tax report was distributed.

**Village Administrator's Report:** Mr. Pauley submitted to Council his written report. Mr. Pauley reported that he gave out information from Solar Planet on other projects that they have going on. Mrs. Wendt-Elliott stated that was not all the information she had requested. Mr. Seaman asked about the email that was distributed, stating Solar Planet is getting close to starting on the project. Mr. Pauley clarified that Solicitor; Jim Barney has reviewed the second draft of the Purchase Power Agreement (PPA) and the Energy Supply Reimbursement Agreement (ESRA). Mr. Pauley is expecting the final draft of the PPA and ESRA early next week to review. Mr. Seaman commented that Mr. Pauley should make available to council the final draft to review. Ms. Wendt-Elliott was concerned that the Village was going ahead with Solar Planet. Mr. Pauley explained that the Village is in the process of doing due diligence and the background. Ms. Wendt-Elliott expressed concerned with the cost of the project at the end of the term on the contract.

**Solicitor's Report:** None

**Business of the Meeting:** The Planning Commission's recommendation to amend Title 15, Land Usage, Chapter 153 of the Codified Ordinances of the Village of Oak Harbor, Ohio to rezone Parcel No. 02710210140664000 and Parcel No. 0271021014067000 commonly referred to as 127 & 133 S. Locust St. from Light Industry District (LI) to Central Business District (CB). Mr. Eberle said that Mr. Snyder made it clear during the Public Hearing, that he doesn't want to rezone this property even though the Planning Commission did recommend rezoning. There was discussion on the land being rezoned and if the Village should go against the land owner changing his mind on the rezoning. Mr. Douglas asked what the process would be for withdrawing the request to rezone the property. Mr. Fickert referred to Mr. Smith, chairman of the Planning Commission. Mr. Smith said that the request for **withdrawing the request would have to be in writing. Mr. Smith explained the process as to why the property was originally zoned light industrial years ago.** Mr. Fickert indicated that he believes that it is in the Village's best interest to rezone this property from Light Industry to Central Business District. Mr. Smith

Held \_\_\_\_\_ November 19, \_\_\_\_\_ 12  
 \_\_\_\_\_ 20 \_\_\_\_\_

said that the property should not have been light industry in the first place, but the circumstances dictated that it had to be light industry. Mr. Smith said that when the Planning Commission had voted it was a unanimous vote. Mr. Pauley explained that Council would need to act upon the recommendation of the Planning Commission. The options would be to accept the recommendation as it is, deny the recommendation, or to modify the recommendation. Mr. Barney was not sure that there is a procedure for withdrawing an application after the recommendation to rezone the property has been made by the Planning Commission. It is not in the ordinance. Mr. Barney said that Council could grant the property owners' desire by not voting for the rezoning. Mr. Barney stated that with the recommendation on the table from the Planning Commission that Council needs to take action either to approve, modify or deny the rezoning. Ms. Wendt-Elliott motioned to direct the Solicitor to draw up the necessary legislation for the rezoning of 127 & 133 S. Locust Street from Light Industrial District (LI) to Central Business District (CB), seconded by Mr. Fickert. On roll call Ms. Wendt-Elliott voted yes, Mr. Fickert voted yes, Mr. Douglas voted yes, Mr. Eberle voted no, Mrs. Petersen voted yes, Mr. Seaman voted yes. The motion carried.

**Third Reading of Ordinances and Resolutions:**

**Second Reading of Ordinances and Resolutions:**

**Resolution No. 12-2012**, A resolution to make temporary appropriations for current expenses and other expenditures of the Village of Oak Harbor, State of Ohio, for the period January 1, 2013 through March 31, 2013, was read for the second time.

**First Reading of Ordinances and Resolutions:**

Tabled legislation Ordinance NO 11-2012 will remain tabled.

WORK SESSION

Mr. Fickert started the work session at 7:19 p.m.

**Council Committee Reports:**

**Safety Committee:** Mrs. Petersen had no report.

**Street Committee:** Mr. Eberle would like to put together a thank you letter to the editor to thank the voters for passing the street levy renewal.

**Utilities Committee:** Mr. Fickert passed out a utility bill adjustment as a test case for the water adjustment ordinance that was recently passed. The utility bill adjustment test case gives Council an idea of how the adjustment works. Mr. Fickert asked for comments or suggestions regarding the utility bill adjustment test case. Ms. Wendt-Elliott said that she would like to see a higher adjustment, but was pleased to see that there was an adjustment. Mr. Eberle questioned if the amount was applied correctly. Mr. Fickert asked Mr. Pauley if the adjustment was applied correctly, Mr. Pauley stated that it was. Mr. Pauley said that the department is reviewing six to seven bills per month that have extraordinary usage or are out of their normal amount billed. Mr. Pauley reviewed the process in determining and adjustment on utility billing accounts. Mr. Douglas asked if there is a fixed rule for the averaging in figuring out the adjustment. Mr. Pauley explained the process involved in determining if there would be an adjustment and if so, how much the adjustment would be. Mr. Fickert indicated he met with Gino Monaco from Regional Water and Mr. Monaco mentioned that the County currently uses a similar policy. Mr. Fickert reviewed the meter readings and how they arrived at the billing adjustment.

**Other Business:** Mr. Fickert indicated that Mayor Conley would like to make the newspapers aware that the Village is in need of volunteers for the Library Board, Tree Commission, Records Commission and the Board of Architectural Review. Mr. Fickert asked the newspaper to publish the board needs in the paper with volunteers contacting Mayor Conley if they would like to volunteer. Mr. Douglas talked about the Village health insurance renewal. Mr. Douglas said that the renewal with Medical

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Mutual will be a negative five percent increase. Mr. Douglas handed out the competitive health insurance data from Paul Druckenmiller for the Council to review for the next Finance Committee meeting. Mr. Fickert thanked Mr. Douglas for all the work he has done on the health insurance renewal.

Mr. Eberle moved, seconded by Mrs. Petersen to adjourn. With all members of Council present answering in the affirmative, meeting adjourned 7:39 p.m.

  
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Debbie L. Carpenter  
Fiscal Officer

  
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Jon Fickert  
President of Council