

## Metamora Village Council

The Metamora Village Council met in regular session at 7:00 p.m. on Monday, January 14, 2008 in the Village Offices.

Members present: Cheryl Geer, Eric Gonzales, Tina Sullivan, Barb Georgia, Karon Lane and Ken Wysong

Others present: Mayor Gary Loar, Fiscal Officer Karin Sauerlender, Village Solicitor Alan Lehenbauer, Water Plant Superintendent Rick Meiring, Deputy Clerk Sue Clendenin, Zoning Inspector Bob Sabo

Guests: Mark & Matt Lane and Britany Fisher

Swearing in of newly elected village officials -

Village Solicitor Alan Lehenbauer swore in Mayor Gary Loar, Council members Karon Lane and Eric Gonzalez.

The mayor opened the meeting with the Pledge of Allegiance to the Flag.

Election of council president -

Ken Wysong was elected village council president for 2008.

**Minutes** – T. Sullivan move to table minutes to next meeting. B. Georgia seconded motion, all council voted approval.

**Report from Water Superintendent** – APC put water line in for Parker, Rick observed hot tap, performed necessary bacteria and pressure tests. Twelve-year-old tracking meter at the water plant is not working properly. \$1600 to replace meter.

No word from EPA since the call after receiving the village commitment letter. EPA requested clarification of the village's intentions with the proposed water initiative. Rick told him it was his understanding council's recent commitment to the Northeast Water Initiative would relinquish village control of "in village" water production and will completely go with the county for a new source of water. Might have a small waterline leak on the high school line, Rick will walk the line tomorrow. Wysong asked if the rain caused any flooding problems. Rick said none were noted.

**Solicitor's report** – presented Offer to Purchase Agreement for one acre of property behind the fire station from Mr. Harvey Wells. The village intends to construct a new maintenance building on the site.

The solicitor said the village is unable to contest unemployment benefits, unless it is found an incorrect percentage is being charged to the village.

The bills were presented for payment:

K. Wysong suggested we check into Time-Warner for digital cable.

K. Wysong moved to pay bills. B. Georgia seconded motion. All council voted approval.

**Committees for 2008** – the mayor appointed Ken Wysong, Cheryl Geer and Eric Gonzalez to Lands & Buildings. Appointed Tina Sullivan, Barbara Georgia and Karon Lane to Finance & Personnel.

**Old Business** – K. Wysong will meet with Derek from Smith Concrete next week to measure for new curbing on East Main, an estimate will be provided.

**New Business** – Board of Public Affairs recommended a 3% rate increase on water and sewer for 2008. Increased costs, and survey results from RCAP showed a 3% increase would cover sewer

loan payments. Last rate increase occurred January of 2007; at that time water and sewer rates were raised 5%. Discussion followed. K. Wysong moved to suspend the rules on **Ordinance 757**, increasing water and sewer rates 3%, effective first quarter 2008. C. Geer seconded motion, Roll call vote takes: Geer yes, Wysong yes, Lane yes, Gonzalez yes, Sullivan yes, Georgia no. Wysong moved to pass Ordinance 757 under emergency measure. C. Geer seconded motion. Roll call vote taken: Geer yes, Sullivan yes, Lane yes, Wysong yes, Georgia yes, Gonzalez yes. Motion carried.

**Set meeting days and times for council 2008.** Council will meet the first Monday of every month at 7:00 p.m., joint committee meetings will be held every third Monday of each month at 7:00 p.m., followed by a regular session of council at 8:00 p.m. All meetings are opened to the public and are held at the Village Office.

**Zoning Inspector Bob Sabo recognized** – Submitted the Planning Commission's approved Sign Code revisions. Definitions were expanded in the code. Village Solicitor and Steve Brown from Regional Planning also reviewed and approved updated sign code.

Definitions reviewed – It's suggested under Definitions for Area of a Sign: the inclusion of: embellishments and other architectural features are not to exceed 25% of the single face area. Under definition of Banner zoning permits are required and allowed for two 30-day periods per year. Will not effect Park-0-Rama banner or small banners base ball teams hang on fence during tournaments. Directional Signs- shall not contain a business logo name. Future Development Sign- not to exceed 64 sq. ft. per face in sign area, this is an increase from 32 sq. ft. Zoning permit required. Moving Signs- prohibited i.e. moving figures, balloons or other gas filled figures, and portable signs including electronic signs. Council agreed to allow electronic signs, unless they were to become an issue. Portable signs to be allowed as long as they do not obscure visibility for traffic. Zoning permit required annually. Special Event Signage: change wording to not to exceed 30 days permitted before necessary to reapply, from two 7-day periods per calendar year.

Permanent signs not permitted to be placed on roof of any building. 1137.05 Prohibited Signs reviewed. 1137.06 Exempt Signage reviewed. 1137.07 Residential and Agricultural signs reviewed. Subdivision or Development Signs – B. Georgia questioned why subdivision signs can not exceed 42" in height, when a low profile sign can be up to 5' in height. A 24" embellishment may go on the top of the subdivision sign. Council agreed to increase height of sub-division signs to 5'. 1137.08 Commercial and Industrial Signs reviewed. Mr. Sabo will incorporate council's comments into the new sign code and bring back for further review.

Mr. Sabo explained Main Street Overlay Plan would introduce the plan to the planning commission.

Planning Commission variance recommendation for Carl Pope Jr. – Mr. Sabo summarized the outcome of the January 2, 2008 Public Hearing held by the Planning Commission to review Carl Pope's variance request to allow the property at 271 Mill Street to remain "as is". The commission felt the non-conforming use has been expanded upon and it appears the business is no

longer just an auto repair shop. They feel the property more or less resembles a salvage business. In light of some health issues, and to give Mr. Pope adequate time to clean up the property the Planning Commission recommended the property at 271 Mill Street not remain "as is." in addition, they recommend the property be cleaned up by January 1, 2009, with the trailers removed by March 1, 2009. The business should be returned to an auto repair shop. Clean-up progress to be supervised by the village-zoning inspector. Council reviewed pictures and documentation provided by the zoning inspector. Mr. Sabo said the village has pending litigation against Mr. Pope if he doesn't clean up his property. The solicitor will check into current status of pending litigation. The solicitor suggested if Mr. Pope is in zoning violation now, the village could file a criminal zoning violation, allowing the court to set terms of compliance. Discussion followed. Council decided not to file criminal zoning violation charge at this time but rather set a time frame for the property to be cleaned up. If the property is not cleaned up during the allotted time frame, charges will be filed. Mr. Sabo said Mr. Pope has complied with other requests he has made in the past.

K. Wysong moved to give Mr. Carl Pope, Jr. until July 1, 2008 to completely clean up exterior property at 271 Mill Street and bring it into code, with monthly inspections by the zoning inspector to determine appropriate progress. T. Sullivan seconded motion. All council voted approval. Motion carried.

T. Sullivan asked the zoning inspector if the roadwork being performed by Parker would go through the Planning Commission? Mr. Sabo said the plan is not complete yet. He spoke to Mr. Albaugh from Parker said they would do whatever is necessary. The road is on private property, but it should go through the Planning Commission for approval. Mr. Sabo said the road would be paved. Sullivan said the plan said chip and seal, this is not considered pavement, and it's only planned to be 30 feet wide. Why would the village accept a road that is not up to village code? Mr. Sabo said they may or may not turn the road over to the village. The mayor said according to recently accepted ODOT code, chip and seal is considered pavement. Sullivan has concern with the drive's access abutting a residential district and an increase in truck traffic. Bob said the road they're building is a private road in a M3 and B2 District off a main thoroughway. Not sure it can be denied. T. Sullivan asked who would own the road? Mr. Sabo said the entrance access belongs to Anderzack-Pitzen, both APC and Parker Hannifin will share the drive. He cannot find anything in the code that says they can't do this. The mayor exhibited the original plat proposal before Parker bought the property, which shows the road where it is now going in. T. Sullivan said because it was a drawing on a proposal doesn't make it council approved. Trucks are tearing up the side of the road across from the driveway access because it's not wide enough for them to make the turn. A curb cut permit was never acquired for the original drive. B. Georgia said it was her understanding council preferred moneys were spent reinforcing County Road 2 for truck traffic from Parker and the Industrial Park. Doesn't think its good planning to run truck traffic through our residential area.

Parker is also putting in a 12" water main and has yet to get official village approval. The mayor said Water Board was informed about Parkers intent as far back as June of 07. Minutes confirm this, but a decision to approve was never taken. K. Wysong said the waterline is a Water Board decision not council. T. Sullivan said village code requires extension of waterlines to go through the Planning Commission for approval. Parker has been a good neighbor but they should go through appropriate channels when necessary. C. Geer said as it is stated in the Water Board minutes most of what's happened has been interpreted as a miscommunication and will be dealt with appropriately. Water Board is handing the water-main extension specifics.

The zoning inspector will talk to Mr. Albaugh about the specifics regarding the paving of the drive. T. Sullivan asked if the village would have any control over how the Industrial Park develops if it's privately owned land? The mayor said in the county when a private road is requested the Planning Commission looks for three things; adequate width, the presence of a turn-around for fire protection vehicles, and adequate drainage on the front side of it. It was recommended Parker be invited to the next Planning Commission meeting February 11<sup>th</sup>. K. Wysong said he doesn't feel the access is a private road but rather a driveway, an access to their business. The solicitor said zoning regulations could be amended to specify regulations governing all types of driveways. Mr. Sabo said Parker informed him they would be following ODOT specs for the drive.

K. Wysong said Parker would have to go to the Planning Commission for M3 compliance on the new addition. Mr. Sabo said the compliance requirements would apply if the addition abutted a residential area. The proposed addition is located in the middle of Parkers M3 property, not abutting residential. He doesn't see where they would need to apply for any variances.

**Fiscal Officer's report** – village roof has been leaking, in need of emergency repair and possible replacement. Chimney missing several bricks, windows unpainted and rotting. Also told to get quotes to update village bathroom, including the addition of hot water. TMACOG winter assembly at the French Quarters Jan. 29<sup>th</sup>. The mayor said he asked the zoning inspector to attend the assembly, which will deal with zoning issues. Those interested in attending inform Cheryl Geer or the clerks. CCA representative will be available at the village office Saturday, March 8<sup>th</sup> from 10:00 am to 2:00 p.m. to provide free assistance completing village income tax forms.

**Mayor's report** – Appointed Dave Snyder Village Marshall, John Vershum Fire Marshall, Barb Georgia, Tina Sullivan and Karon Lane to Personnel and Finance committee and Ken Wysong, Cheryl Geer and Eric Gonzalez to Lands and Buildings committee. Ken Wysong and Cathy Mossing to the Planning Commission and Terry Robideau to the Board of Zoning Appeals.

K. Wysong moved to adjourn at 9:50 p.m. Seconded by B. Georgia. All council approved.