

Marengo Village Council

P.O. Box 310

Marengo, OH 43334

Minutes of the Council Meeting on April 20, 2016 at 7:00pm

Meeting was called to order by Mike Baker with council members Robert Beck, Earl Bennett, John Brent, Ron Margraff, Becky Margraff and Cherri Burwell present. Planning and Zoning Commission hearing began. Ross Porter presented council with a letter (attached) stating his intentions for the property located at 9 and 29-31 West North Street, Marengo, OH 43334. He is requesting it be re-zoned to B-1. Council asked if any inspections have been completed. Ross Porter stated that he hasn't had any inspections done at this time and hasn't been required to. Building has had repairs made to it and he is in the process of getting units ready for lease. He will have inspections done when they are required. When tenants lease the units available he is sure he will need the building inspected at that time. Council asked him if he has addressed any asbestos issues. He stated that he has encapsulated the asbestos in the areas that he has renovated. He did not do a removal of the asbestos, but instead did an encapsulation. Mike Baker asked if he had to get any permits for the asbestos work and he said he was not required to since he used an encapsulation method. Asbestos is mainly located in the 1955 section of the building. Council wanted to know if Ross Porter could certify that the asbestos would not affect any members in the community. Council could address those issues as Ross acquires tenants for he units he will be leasing. John Brent was concerned that if council authorized the building for B-1, the village would/could have liability due to asbestos in the future. There is already a liability present. As Ross Porter gets tenants there would be an occupancy process they will need to go through and additional steps at that time. Earl Bennett stated Village doesn't have an occupancy permit provision. Discussed there will still be permits required, codes that need to be met, etc. Mike asked Nicole what her thoughts were and she stated she feels that Ross Porters lawyer will make sure he will comply with all regulations and codes that are required. Public asked Ross Porter if he had any plans for the playground equipment. Ross Porter stated that he has had offers on the playground equipment and is considering selling it. There is parking issues and removing the playground equipment would free up space for parking. Council discussed if they made an occupancy permit process in the future would there be any problems with Ross

Porter abiding to it. Chris Rinehart (Ross Porters attorney.) stated council would have to adopt an ordinance to adopt an occupancy permit and that council could do that in the future. Cherri Burwell moved to approve the application for zoning amendment from P-1 District to B-1 District by Ross Porter/West Walnut Park LLC/9 N. West Street Marengo Ohio for site address 9 N. West Street Marengo Ohio (application attached). Robert Beck second. There was discussion that Ross had presented council with a proposal for a detention center at that location in the past. If zoned B-1, can he put any type of business he would like within zoning law without regard to the residents of the communities wishes. Nicole stated he could put any business allowed under B-1 but that she didn't feel that he wanted to cause ill will with the council or the residents of the village. She stated that the other businesses in the village already have a B-1 zoning permit and that his would be no different than theirs. Ross stated that he is not doing a detention center. Mike Baker stated that council should look at it as is the property doing any good now, what they can do to improve the village and bring business in. Cherri Burwell stated she felt it couldn't get any worse and Mike Baker stated Ross has been doing improvements to the building.

Roll Call Vote

Cherri Burwell- yes    Ron Margraff- abstained                      Becky Margraff- abstain  
Earl Bennet- yes              John Brent abstain                      Mike Baker- yes. Motion passes.

Ron and Becky Margraff abstained due to being neighbors to property. Cherri Burwell moved to approve the application for zoning amendment from P-1 District to B-1 District by Ross Porter/West Walnut Park LLC/9 N. West Street Marengo Ohio for site address 29-31 N. West Street Marengo Ohio (application attached)

Roll Call Vote

Cherri Burwell- yes    Ron Margraff- abstain                      Becky Margraff- abstain  
Earl Bennet- yes              John Brent abstain                      Mike Baker- yes. Motion passes

## Regular Council Meeting

Cherri Burwell made a motion to approve minutes Robert Beck second. Motion passes. Mike pointed out which bills were for the park project. Bill for the park project include: Dave's park hours for March and April, G & J Tile. Council also needs to approve payments for the park project that include: \$8,325 Erdy Excavating and Plan 4 Land \$991.94 and possibly Jim Young Trucking for approx. \$3200 for base stone and \$1800 for topping stone, which will be around \$5,000 total. Mike let Council know that Erdy also has donated time and equipment to haul debris away, etc. which equals \$5,000 or so of time and he's not done. Plan 4 Land (grant writer) cost is \$3600 a year. He does a \$30 an hour flat fee, doesn't charge for mileage or anything that wouldn't be covered by the grant. There was discussion on the best way to pay the Plan 4 Land bill. No additional bill from Zelkowitz, Barry & Cullers (lawyer) has been submitted at this time. Ron Margraff moved to approve all but Bennett's bill, Robert Beck second Earl abstained motion passes. Village will have to approve park plans ahead so that payments can be made in a timely fashion. Mike has been calling companies to make sure he is getting the best pricing. Project can't move forward while waiting on council to meet monthly. Phase one is almost complete. Good chance to get a pavilion through grant money but won't know until Nov. Mike has people to help volunteer to get concrete done but village needs to pay for concrete. Fence needs to be put up between parking and some of the neighboring properties. A shelter house needs to go up before pad is poured to help keep shelter house secure. Mike's vision includes a shelter house, concrete, playground, fence done at this time and if the village gets the grant, putting a big shelter house up on the hill. Expenses have to be submitted for reimbursement and it takes about 30 days to get money back. If CBG funds received, they county will handle building and paying for the pavilion. Looking at a cost of \$18,000 for the structure with about \$5,000 to put it up. There would be two pavilions total if the CBG grant is approved. Expenses have come in above estimates due to unforeseen additional expenses. Village did not receive donated stone but playground equipment has been donated. Earl said that we need in writing things done to park before council meeting. Mike stated the cost is at about \$13,000 right now out of \$45,500. Discussed doing an opening/ground breaking for park since parking is complete. Council reviewed article that was in Sentinel. Mike said council should

add another sign by the ball field. Joe Clase will do a monthly grant report that will be printed for council to review. Base work is the most of the expense and there will be a lot of volunteer labor coming up. We are at approx. \$16000 toward our matching dollars already with labor and donated park equipment. Mike is keeping track of volunteer time. Discussed having Skytrack, which is Wi-Fi that people can pay to hook up to. Earl states a shelter house shouldn't be put up until council gets current cost plus additional cost planned in the near future. Robert moved to approve Bennett's Bill Cherri second Earl abstain motion passes. Zelkowitz, Barry & Cullers (lawyer) are willing to negotiate the bill. They feel it's not worth losing the business over. The invoice council received included many additional meeting and research. Normal monthly expense is \$325.00. Council reviewed previous invoice. Ron stated that this has been his first process going through zoning so the village hired them so they feel that they shouldn't have to be paid for the research. Council hired the firm for their experience. Lawyer had to review Villages zoning code and then checked it against Ohio Revised Code. Zoning was added 5 to 6 years ago to the Village. Zoning was drafted by Zelkowitz, Barry & Cullers, so it should have is written within Ohio Revised Code. Mike feels they should split the bill and move on. Earl feels that we need to record the minutes Ron agrees. Nicole will bring recorder to the next meeting that she had purchased to use for the Village. Ron Margraff moved that they pay half of the previous invoice plus new charges that invoice didn't include plus previous balance, which is approx. \$1433.45 approx. Robert Beck second. Earl Bennett abstain John Brent abstain. Motion passes. Discussion returned to the park. With phase one being almost complete, Mike is looking for other council members to get involved. If he is running it, he will work on the project until it's completed but doesn't prefer to have to wait for council to meet to approve projects, expenses, etc. John asked if council agreed to allow Mike to supervise and approve payments as long as Mike stays within budget. Cherri wants to know how much work needs to be done to get playground stuff in. They plan on hauling intact as much as possible and holes will need to be drilled. Becky discussed the original plan and seeing if we are staying on track or over. We are about \$12,000 over at this time. Excavating cost was more than expected and gravel wasn't donated but the playground equipment was donated. Lot of people has donated time and more have stated they will donate towards future projects they are planning. Mike is trying to keep cost down so that park will be covered by the grant. John wanted to know if there

is a park committee and there is, which is includes Mike, Ron and Earl. Park committee is planning on meeting on Saturday morning. Cherri moved to adjourn John second.