

**VILLAGE OF PEMBERVILLE
COUNCIL MEETING
October 4, 2016**

Mayor Bowman opened the October 4, 2016 council meeting at 7:00pm with a prayer and led those present in the Pledge of Allegiance.

Roll Call: Present as the regular meeting of council was Campbell, Long, Opelt, Rahe, Sautter, and Yaniga. Others present Ed Wozniak, Vic & Eileen Schuerman, Carol Bailey, Joanne Busdeker, Russ Eby, multiple residents from Vine St., and the Clerk.

Minutes: Campbell moved and Rahe seconded to approve the minutes from September 20th meeting. Motion passed 4/6. Campbell-yes; Rahe-yes; Sautter-yes; Yaniga-yes; Long-abstain; Opelt-abstain.

Treasurer's Report: Sautter moved and Yaniga seconded to approve the bills in the amount of \$16,352.56. Motion passed unanimously.

ORDINANCE 1557: ORDINANCE TO MAKE INTRA FUND TRANSFERS FOR CURRENT EXPENSES AND OTHER EXPENDITURES OF THE VILLAGE OF PEMBERVILLE, STATE OF OHIO, DURING THE FISCAL YEAR BEGINNING JANUARY 1, 2016, AND ENDING DECEMBER 31, 2016. 2nd READING
Opelt moved and Sautter seconded to suspend the rules. Motion passed unanimously.
Opelt moved and Rahe seconded to approve Ordinance 1557.

RESOLUTION 740: RESOLUTION ACCEPTING THE AMOUNTS AND RATES AS DETERMINED BY THE BUDGET COMMISSION AND AUTHORIZING THE NECESSARY TAX LEVIES AND CERTIFYING THEM TO THE COUNTY AUDITOR. 2nd READING

Mayor:

Mayor read proclamation for the celebrated friendship agreement with Roedinghausen and the marker places in celebration of the 20th Anniversary of the friendship agreement. **(Attached)** Mayor will be sending correspondence to Roedinghausen.

Mayor spoke briefly about the Ohio Checkbook. Mayor stated that it was discussed over a year ago and it was decided then to wait and see how it works for other communities. Opelt stated that the other concern when discussed a year ago was the time factor on supplying the information and the numerous questions the office girls were afraid would take place. Opelt asked the clerk what her feelings about it was. Clerk replied that she is open to the possibility of implementing the Ohio Checkbook and that the current accounting software the village uses now supports the ability to transfer the information with minimal work by the clerk. The clerk stated to the Mayor that she would like to look over the material he has received before making a final decision.

Long:

Long reported on the BPA meeting that took place last night. Long stated that one topic was the discussion on the lead. Long explained that two homes in the village was in exceedance which resulted in additional testing. The additional testing all came back under the level limit EPA permits except for one home. Long stated that low Ph levels are the driving force that leads to corrosion. Long stated that what is now required is Ph levels to be added at the water plant. Long stated that testing continues. Long stated that Schultze has requested equipment to do the testing in house.

Long reported construction at the South Water Plant continues.

Long stated that the zoning process he has been working on is finalized. Long stated that this does not change the zoning ordinance it is an outline of the Zoning Ordinance. Long passed out the Zoning process and the violation letters that were discussed at earlier council meetings. Long would like to

discuss this at the next Planning Commission meeting on Wednesday, October 19th at 7:00 pm. Long stated that the process mentions the clerk and was not sure who that was or if one needs to be assigned. The clerk replied that she is the clerk for the Zoning Board of Appeals. Long would like to extend an invitation to the Zoning Board of Appeals to attend the next Planning Commission meeting to discuss the process and violation letters. **(Attached)** Mayor stated that he will contact the members and let them know.

Long stated that the Tree Committee has sent out replacement notifications.

Campbell:

Campbell reported that he has received a cost estimate to fix the west end of Front St. center line. Campbell explained that ODOT will fix the center line on the east end of Front ST. at their cost. The west end they feel is within the ODOT specification and will not cover the cost. They will fix the west end while here fixing the east end for \$3,000. If the village decides to have them fix the west end at a later date the cost increases to \$4,900. There was discussion about ODOT covering the cost for the entire fix. It was asked that Mike Marsh write a letter asking them to fix the west end at their cost and not the village. After a long discussion it was decided that we will have ODOT fix both west and east ends of Front St. at the same time with the contingency that we continue to ask ODOT to cover the entire cost. Campbell moved and Yaniga seconded to approve \$3,000 for the west end center line on Front St. on contingent that ODOT will not absorb the entire cost. Motion passed unanimously.

Opelt:

Opelt asked when the next Safety Committee meeting is. Yaniga replied that they will have to set one. After discussion it was decided that the next Safety Committee meeting will be held November 2nd at 2:00p.m.

Sautter:

Sautter stated that finance met to discuss a few issues, none that have been resolved at this time. One regarding the electric bill and the Opera House. Finance will re-discuss this October 18th at 5:45pm, prior to the Personnel Meeting. Sautter asked the clerk to find out from the utility clerk how much the electric bill is for the town hall offices on the first floor.

Sautter stated the Finance Committee did approve the conduit work needed to install the security cameras at the street garage. Sautter stated that the type of security camera will be discussed after the conduit work is completed.

Sautter reported that the next Tree Committee meeting is scheduled for October 12th at 7:00pm.

Guest:

Residents from Vine St. were in attendance to discuss the on-going issue with one particular home on Vine St. Neighbors are concerned for their family and children's safety, along with the nuisance it has created and are seeking some resolution. Chief stated that there are things being discussed that he knew nothing about nor was the department notified. Chief asked that when any issue big or small comes up to PLEASE contact the police. It was also asked that a street light be placed in the area of concern. Council agreed to have a street light installed as soon as possible.

Mayor Bowman adjourned the meeting at 9:05 pm.

Proclamation

WHEREAS; The Village of Pemberville and Freedom Township, located in Wood County in Northwest Ohio, were largely settled by immigrants from Germany in the 1800's; and

WHEREAS; The community of Roedinghausen and surrounding communities, located in Herford in Westphalia, Germany, are the ancestral home for many who emigrated to Northwest Ohio to seek new opportunities' and a better life; and

WHEREAS; both communities encourage correspondence, travel, commerce, and cultural activities between the dozens of families with direct ties from Pemberville to Roedinghausen; and

WHEREAS; In 1995, Mayor Gustava Oberhouse of Pemberville and Buergermeister Gunter Oberpenning of Roedinghausen, signed a Friendship Communities Agreement; and

WHEREAS; On October 8, 2015, the 20th anniversary of the Agreement, the Village of Pemberville did place a permanent marker on Roedinghausen Point at Village Hall with the inscription, "Celebrating the friendship of Pemberville, Ohio, and Roedinghausen, Germany. In the 1800's several families from the Roedinghausen area came to the Pemberville area to begin a new life. The memorial honors those families and the friendship between the communities."; and

NOW, THEREFORE, I, Gordon Bowman, by virtue of the authority vested in me as Mayor of Pemberville, and on behalf of the entire Village Council and all our citizens, do hereby declare Saturday, October 8, 2016 as Pemberville-Roedinghausen Day, with recognition of the brave families who emigrated to Ohio and their descendants, and the enduring friendship between our two communities.; and

IN TESTIMONY WHEREOF, I have caused the official seal of the Village of Pemberville to be affixed this 4th day of October, 2016.

Gordon Bowman, Mayor
Village of Pemberville

Zoning Process

All information is as outlined in the VOP Zoning Ordinance

General Information

- Sec 101: “This ordinance is adopted for the purpose of protecting and promoting public health, safety, morals, comfort and general welfare; prevent overcrowding; conserving and protecting property and facilitating adequate but economical provisions of public improvements; avoiding congestion in the public streets and highways; and to amend Ordinance No. 335...”
- Sec 1200: Zoning Board of Appeals (ZBA). “To carry out provisions of their ordinance there shall be a Zoning Board of Appeals appointed by the Mayor and approved by Council. This ZBA shall consist of 3 regular members and 3 alternate members.
 - “Appointments shall be for 5 year term”
 - “The ZBA shall interpret the provision of this Ordinance”
 - “The ZBA shall rule on all proper applications for permits in such a manner as to carry out the intent and purpose of this ordinance.”
 - “The Chairperson of the ZBA shall appoint a Clerk of the ZBA, who may be a member thereof”
 - “The Clerk of the ZBA shall receive as compensation such amount as the Council shall set, payable from the Zoning Fund”
 - ZBA “shall keep minutes”
- Sec 1100: Zoning Inspector, “It shall be the duty of the Village Zoning Inspector, who shall be appointed by the Village Council, is to enforce this Ordinance.”
 - “It shall also be the duty of all officials and employees of the Village to assist the Zoning Inspector by reporting to said inspector upon new construction, reconstruction, or land uses or upon seeming violations.”
 - “Appeals from the decision of the Zoning Inspector may be made to the Zoning Board of Appeals”
- Sec 1106: Violations and Penalties. “It shall be unlawful to locate, erect, construct...any building or land in violation of any regulation in or any provision of this Ordinance...”
 - “Any person, firm or corporation who violates, disobeys, omits, neglects, or refuses to comply with or who resists the enforcement of any of the provisions of this Ordinance or amendment thereto, shall be deemed guilty of a misdemeanor and shall be fined in any sum not more than \$100 for each offense. Each and every day, during which such illegal location, erection, construction...may be deemed a separate offense.
 - “In case any building is or is proposed to be located, erected, constructed...in violation of this Ordinance...the Zoning Inspector, Village Solicitor, or any adjacent or neighboring property owner who would be specially damaged by such a violation, in addition to other remedies provided by law, may institute injunction, mandamus, abatement, or any other appropriate actions...”

Summary

- The Village ZBA, by ordinance, should be an active body of this government whose role is to “interpret provisions of the Ordinance.”
- The ZBA should have a Clerk who is compensated.
- The duty of the Village Zoning Inspector is to enforce this Ordinance.
- It is the duty of all Village Officials and Employees to assist the Zoning Inspector by reporting activities and possible violation to the Zoning Inspector.

- The Zoning Inspector or Solicitor have the authority to take legal action against violations.
- Notice the lack of “Village Planning Commission” mentioned in this documentation.

Existing Application Process

1. Property Owner or representative (contractor, employee, etc) fills out an Application for Zoning Permit which can be found on the Village website or picked up in the Village office.
2. Property Owner returns the completed Application and the appropriate permit fee to the Village office.
3. Office staff will provide this application to the Village Zoning Inspector.
4. Zoning Inspector reviews the application and grants or declines the Zoning Permit.

Proposed Violation Process

1. Zoning Inspector, Village Employee, or Resident observes a possible zoning violations.
2. Village Employee or Resident reports this violations to the Zoning Inspector in writing (may be anonymous)
3. Zoning Inspector reviews the location and determines validity of possible violations.
4. If no violation of the Ordinance is discovered, no further action is necessary.
5. If a violation of the Ordinance is discovered the Zoning Inspector will, by certified mail, provide 1st notice to the property owner by way of ZBA approved letter. A copy of this letter will be provided to the ZBA Clerk as well.
 - a. If corrected as required by the language of the notification letter, no further action is required.
6. If not correct, or appealed as per the Ordinance, the Zoning Inspector will, by certified mail, provide a 2nd notice to the property owner by way of ZBA approved form letter. A copy of this letter will be provided to the ZBA Clerk as well.
 - a. If corrected as required by the language of the notification letter, no further action is required.
7. Zoning Inspector notifies ZBA Clerk to submit all information of violation to Village Solicitor who will present options to Council at the next scheduled Council Meeting. Council will determine at this meeting whether to assess penalties per Sec. 1106 and whether to release to Village Solicitor for further legal action.

What’s needed?

- Identify ZBA Clerk
- Notify Zoning Inspector of changes above

1st NOTICE

(Date)

(Name)

(Address)

(City) (State) (Zip)

Dear (Property Owner):

Undersigned is the Zoning Inspector for the Village of Pemberville.

The purpose of this letter is to provide notice that you are in violation of the Village Zoning Ordinance No. (###), a copy of which is attached to this letter for your reference.

You must immediately discontinue your violation of the Village Ordinance.

If you have any questions, please contact the undersigned at the Village office phone number, 419-287-3832.

Very Truly Yours,

Village Zoning Inspector

Date

2nd NOTICE

(Date)

(Name)

(Address)

(City) (State) (Zip)

Dear (Property Owner):

Undersigned is the Zoning Inspector for the Village of Pemberville.

The purpose of this letter is to provide notice that you are in violation of the Village Zoning Ordinance No. (###), a copy of which is attached to this letter for your reference.

You must immediately discontinue your violation of the Village Ordinance.

If you have any questions, please contact the undersigned at the Village office phone number, 419-287-3832.

If the violation continues, the Village will have no choice but to refer the matter to the Village Prosecutor.

Very Truly Yours,

Village Zoning Inspector

Date