

**COUNCIL MEETING
AGENDA
April 22, 2013
8:00 PM
BLUFFTON TOWN HALL**

MINUTES April 8, 2013

BILLS

ORDINANCE NO. 07-13 **3RD READING**

AN ORDINANCE ESTABLISHING THAT SIDEWALKS BE CONSTRUCTED AND MAINTAINED IN ALL RESIDENTIAL AREAS OF THE VILLAGE OF BLUFFTON, OHIO.

ORDINANCE NO. 10-13 **1ST READING**

AN ORDINANCE ENACTING REGULATIONS FOR AND PERMITTING BED AND BREAKFAST ESTABLISHMENTS IN THE VILLAGE OF BLUFFTON.

ORDINANCE NO. 11-13 **1ST READING** **EMERGENCY**

AN ORDINANCE AUTHORIZING APPROVAL OF THE MINUTES FROM THE TAX INCENTIVE REVIEW COUNCIL AND DECLARING AN EMERGENCY.

ORDINANCE NO. 12-13 **1ST READING** **EMERGENCY**

AN ORDINANCE AMENDING ORDINANCE NO. 18-12 (THE ANNUAL APPROPRIATION ORDINANCE) AND DECLARING AN EMERGENCY.

ADMINISTRATOR'S REPORT

SAFETY

FINANCIALS

MEETING DATES

April 22, 2013	Streets, Alleys and Lights	5:00 PM
April 22, 2013	Safety Services	7:15 PM
April 22, 2013	Finance	7:30 PM
April 22, 2013	Council	8:00 PM
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April 29, 2013	Joint Water Advisory Board	7:30 PM
May 13, 2013	Council	8:00 PM
May 13, 2013	Alley Vacation Hearing	8:15 PM

Regular Council

April 8, 2013

Mayor Gallant presiding. Messrs: Burrell, Kingsley, McGarrity, Sehlhorst, and Steiner present. Mr. Collier absent.

Mr. Kingsley moved, seconded by Mr. Sehlhorst to approve the minutes of the regular council meeting held on March 25, 2013. Roll Call: Yeas (5) Messrs: Kingsley, Sehlhorst, Burrell, McGarrity, and Steiner. Nays (0), motion approved.

Mr. Steiner moved, seconded by Mr. McGarrity to approve the bills as presented. Total non-payroll of \$43,977.03 and payroll of \$34,597.59. Roll Call: Yeas (5) Messrs: Steiner, McGarrity, Burrell, Kingsley, and Sehlhorst. Nays (0), motion approved.

Mr. Sehlhorst moved, seconded by Mr. Kingsley to approve the second reading of Ordinance No. 07-13: AN ORDINANCE ESTABLISHING THAT SIDEWALKS BE CONSTRUCTED AND MAINTAINED IN ALL RESIDENTIAL AREAS OF THE VILLAGE OF BLUFFTON, OHIO. Roll Call: Yeas (5) Messrs: Sehlhorst, Kingsley, Burrell, McGarrity, and Steiner. Nays (0), motion approved.

Mr. McGarrity moved, seconded by Mr. Steiner to suspend the rules. Roll Call: Yeas (5) Messrs: McGarrity, Steiner, Burrell, Kingsley, and Sehlhorst. Nays (0), motion approved.

Mr. Kingsley moved, seconded by Mr. Burrell to approve the first reading of Ordinance No. 08-13: AN ORDINANCE AMENDING ORDINANCE NO 18-12 (THE ANNUAL APPROPRIATION ORDINANCE) AND DECLARING AN EMERGENCY. Roll Call: Yeas (5) Messrs: Kingsley, Burrell, McGarrity, Sehlhorst, and Steiner. Nays (0), motion approved.

Mr. Steiner moved, seconded by Mr. McGarrity to suspend the rules. Roll Call: Yeas (5) Messrs: Steiner, McGarrity, Burrell, Kingsley, and Sehlhorst. Nays (0), motion approved.

Mr. Sehlhorst moved, seconded by Mr. Steiner to approve the first reading of Ordinance No. 09-13: AN ORDINANCE ADVANCING MONIES TO THE WATER/SEWER IMPROVEMENT FUND TO COVER THE EXPENSES ASSOCIATED WITH THE CURRENT WATERLINE PROJECTS AND DECLARING AN EMERGENCY. Roll Call: Yeas (5) Messrs: Sehlhorst, Steiner, Burrell, Kingsley, and McGarrity. Nays (0), motion approved.

The Fiscal Officer announced the following meetings:

April 11, 2013	Tree Commission	7:30 PM
April 22, 2013	Streets & Alleys	4:00 PM
April 22, 2013	Safety Services	7:15 PM
April 22, 2013	Finance Committee	7:30 PM
April 22, 2013	Council	8:00 PM

Mr. Burrell moved, seconded by Mr. Kingsley to approve the listing of pool management and lifeguards as presented for the 2013 pool season. Roll Call: Yeas (5) Messrs: Burrell, Kingsley, McGarrity, Sehlhorst, and Steiner. Nays (0), motion approved.

Mr. Sehlhorst moved, seconded by Mr. Burrell to approve the purchase of a John Deere skid loader with attachments, to be financed at 0% for 5 years, first payment due in 2013, for a total cost of \$77,544.06. Roll Call: Yeas (5) Messrs: Sehlhorst, Burrell, Kingsley, McGarrity, and Steiner. Nays (0), motion approved.

Mr. Kingsley moved, seconded by Mr. Steiner to approve an increase of \$1/hr (per ordinance) for Hope Hannah, effective April 28, 2013. Roll Call: Yeas (5) Messrs: Kingsley, Steiner, Burrell, McGarrity, and Sehlhorst. Nays (0), motion approved.

Mr. Sehlhorst moved, seconded by Burrell to approve Abigail Michael as a part-time patrol officer, starting rate of \$10.10/hr. Roll Call: Yeas (5) Messrs: Sehlhorst, Burrell, Kingsley, McGarrity, and Steiner. Nays (0), motion approved.

Mr. Steiner moved, seconded by Mr. Kingsley to approve Scott Hoff, Nikki Mikesell, and Blane Miller as regular members of the EMS department. Roll Call: Yeas (5) Messrs: Steiner, Kingsley, Burrell, McGarrity, and Sehlhorst. Nays (0), motion approved.

The mayor presented the March Mayor's Court report.

Regular Council

April 8, 2013

Mr. Steiner moved, seconded by Mr. Kingsley to enter into executive session for the discussion of contracts and potential litigation. Roll Call: Yeas (5) Messrs: Steiner, Kingsley, Burrell, McGarrity, and Sehlhorst. Nays (0), motion approved.

Mr. Kingsley moved, seconded by Mr. Sehlhorst to exit from executive session. Roll Call: Yeas (5) Messrs: Kingsley, Sehlhorst, Burrell, McGarrity, and Steiner. Nays (0), motion approved.

Mr. Steiner moved, seconded by Mr. McGarrity to approve the refuse and recycling contract bid from Republic Refuse- Alternate 2- \$13.94/unit/month for a three year period from June 1, 2013 through May 31, 2016. Roll Call: Yeas (5) Messrs: Steiner, McGarrity, Burrell, Kingsley, and Sehlhorst. Nays (0), motion approved.

Mr. Kingsley moved to adjourn.

MAYOR

FISCAL OFFICER

Village of Bluffton

Bills to be paid

4/22/2013

PAYROLL:

Village \$ 33,562.48

TOTAL PAYROLL \$ 33,562.48

NON-PAYROLL:

All Service Aeration	Portable Toilets	\$	317.50
Apollo	CPR Instructor Class & Cards	\$	208.00
Aramark	Uniforms	\$	340.85
BP	Gasoline	\$	3,505.23
Bluffton Flying Service	Management Fee & Electricity	\$	4,913.00
Bluffton Stone	Small Berm	\$	40.64
Bobcat of Lima	Rental of Loader Attachment	\$	125.00
Community Markets	Fulcomer Farewell Reception	\$	31.16
F.B. Wright	Rubber Seals	\$	318.86
Gary Lugibihl Excavating	Excavation to Lower Sewer Tap	\$	4,401.65 X
Gary's Repair	Saber Premix 2cycle	\$	8.80
Great Lakes Billing	EMS Run Collection Fees	\$	511.47
Hancock-Wood Electricity	Electricity	\$	198.16
JB Networks	Video Server Hard Drive Issue	\$	142.50
Riley Creek Sign	Uniforms	\$	45.00
Lugibihl Spray Services	Fertilizer	\$	867.50
Matheson Tri-Gas	Battery	\$	9.00
NWOhio Security Services	Alarm Monitoring	\$	39.95
Ohio Dept of Job & Family	Feb. Unemployment	\$	21.92
Village of Ottawa	Water Usage	\$	24,018.73
Ohio Police & Fire Pension	March Employer Share	\$	6,296.33
Rhodes & Co	Bridge Inspection- Buckeye Park	\$	1,400.00
Riley Creek Mercantile	All Purpose Mix	\$	51.75
Jessica Smucker Falcon	Town Hall Concert	\$	152.00
Staples Credit	Cork Boards and Floor Mats	\$	569.96
United Healthcare	Life Insurance	\$	84.00
United States Plastics	Kuri-Tec Polywire Plus	\$	51.80
Utility Sales Agency	PVC Pipe	\$	56.10
Verizon	Cell Phone- Service Dept	\$	50.98

Total Non-Payroll \$ 48,777.84

Mayor/ Council President

X: Then and Now Approved by Council

A: Addition to list submitted on 4/5

ORDINANCE NO. 10 -2013

**ORDINANCE ENACTING REGULATIONS FOR AND PERMITTING
BED AND BREAKFAST ESTABLISHMENTS IN
THE VILLAGE OF BLUFFTON**

WHEREAS, the Village of Bluffton has considered the appropriateness of creating regulations to allow and permit the location of Bed and Breakfast Establishments within the Village of Bluffton; and

WHEREAS, the Council has reviewed the permitting of Bed and Breakfast Establishments within the Village of Bluffton and has determined that a procedure be established whereby Bed and Breakfast Establishments would be permitted in certain designated areas of the Village of Bluffton on an expedited basis; and

WHEREAS, the Village believes that it is appropriate to create a new Ordinance dealing specifically with Bed and Breakfast Establishments; and

WHEREAS, the Village believes that Bed and Breakfast Establishments will further enhance the appeal of the community by offering short stay housing options for friends and relatives of residents who might otherwise have to stay in area hotels; and

WHEREAS, the Village intends that the ordinance permit only those Bed and Breakfast Establishments which will be well integrated into the surrounding neighborhood, that will maintain and preserve the integrity of the residential property and neighborhood, retain the architectural characteristics of the residential structure, and operate so as to have a negligible impact on the neighborhood.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF BLUFFTON, OHIO, THAT:

SECTION 1. The Zoning Ordinance of the Village of Bluffton, Ohio is hereby amended by adding the following:

**BED AND BREAKFAST ESTABLISHMENTS WITHIN THE VILLAGE OF BLUFFTON,
OHIO:**

Bed and Breakfast Establishments shall be permitted as a Special Use within the Village of Bluffton, pursuant to the requirements of this Ordinance.

DEFINITIONS

(a) Applicant

“Applicant” means the Resident Owner of the property under consideration for a permit under this Chapter, or an authorized agent thereof.

(b) Bed and Breakfast Establishment

“Bed and Breakfast Establishment” shall mean a single-family residence that is occupied by the Resident Owner thereof, which may provide overnight lodging to paying Non-Resident Guests, and in which such Non-Resident Guests may be served breakfast only, and which has been granted a permit under this Ordinance as complying with all other applicable State, and Local regulations.

(c) Business Day

“Business Day” shall mean Monday through Friday, 8:00 a.m. until 5:00 p.m. exclusive of legal holidays.

(d) Village Administrator

“Village Administrator” shall mean the individual appointed by Village Council as the Village Administrator of the Village of Bluffton or a duly appointed representative thereof.

(e) Dedicated Bathroom

“Dedicated Bathroom” shall mean a room consisting of a water closet, sink, and bathtub or shower facility that is identified as being available for use by the Non-Resident Guests.

(f) Document of Acceptance

“Document of Acceptance” shall mean a document setting forth the applicant’s acceptance of the terms of the Special Bed and Breakfast Use Permit.

(g) Household Bathroom

“Household Bathroom” shall mean a room consisting of a water closet, sink, and bathtub or shower facility that is used or intended to be used by the Resident Owners, Resident Family Members, or Resident Guests, residing in the dwelling or the Invited Guests thereof. The “Household Bathroom” shall be separate from the Dedicated Bathroom and shall not a part of a Non-Resident Guest Room.

(h) Household Kitchen

“Household Kitchen” shall mean a room designed or intended to be used by the Resident Owner or the immediate family thereof residing on the premises for the preparation of meals and that includes cooking, refrigeration, and sink facilities.

(i) Infant

“Infant” shall mean a very young human being, ranging in age between birth and two (2) years of age.

(j) Invited Guests

“Invited Guest” shall mean a friend, acquaintance, family member or other individual invited to the property by the Resident Owner, a Resident Family Member, or Resident Guest residing on the property without compensation.

(k) Non-Resident Guest

“Non-Resident Guest” shall mean an individual who compensates the Resident Owner to stay in a Non-Resident Guest Room for a period not exceeding thirty (30) days in any twelve month period.

(l) Non-Resident Guest Room

“Non-Resident Guest Room” shall mean a bedroom or suite, including a Dedicated Bathroom but not including a kitchen or kitchenette, that is used, by or intended to be used by a Non-Resident Guest for compensation.

(m) Original Application

“Original Application” shall mean an initial application, meeting the requirements of this Ordinance, submitted by a Resident Owner to obtain a Special Bed and Breakfast Use Permit to operate a Bed and Breakfast Establishment.

(n) Renewal Application

“Renewal Application” shall mean an application submitted per the procedure of this ordinance by a Resident Owner to operate a Bed and Breakfast Establishment for an additional one year period following the July 31st expiration of a valid Special Bed and Breakfast Use Permit to operate a Bed and Breakfast Establishment.

(o) Resident Family Member

“Resident Family Member” shall mean a member of the Resident Owners’ immediate family who has established legal residency at the property.

(p) Resident Guest

“Resident Guest” shall mean an individual other than a member of the Resident Owners’ immediate family who has established legal residency at the property.

(q) Resident Owner

“Resident Owner” shall mean the owner or owners of the property who reside on the premises.

PROCEDURE FOR OBTAINING A Special Bed and Breakfast Use Permit

(a) Original Application.

Any Resident Owner of real property within the Village of Bluffton seeking a Special Bed and Breakfast Use Permit to operate a Bed and Breakfast Establishment shall file an application addressing the submission requirements and the approval criteria of this Ordinance with the Village Administrator in accordance with the provisions of this Ordinance and pay the Special Bed and Breakfast Use Permit Fee established herein.

(b) Village Administrator Review.

The Village Administrator or his or her designee shall examine the property within Fifteen (15) Business Days of receiving the Original Application to determine if it is suitable for such use according to the building, sanitation, and fire laws and ordinances of the Village and the State of Ohio. The Village Administrator shall also review the Original Application to determine its completeness.

(1) If, in the sole reasonable opinion of the Village Administrator, the property meets such laws and ordinances and the application is complete:

(A) The application along with the Village Administrator's report thereon shall be forwarded to the Village Council for review at which time, the Village Council shall set a date for a public hearing on the said application in accordance with Section (d) of this Ordinance.

(2) If, in the sole reasonable opinion of the Village Administrator, the property fails to meet such laws and ordinances, and/or if the application is not complete:

(A) The application shall be rejected and the Village Administrator shall notify the applicant of the rejection and the reasons for rejection.

(B) Upon being notified of rejection, the applicant may:

(i) Withdraw the application, or

(ii) Modify the application so as to address the reasons for rejection in the Village Administrator's notice of rejection, demonstrate compliance with the applicable provisions of the law, and correct and/or provide any missing or incomplete information. The modified application may be resubmitted to the Village Administrator for reconsideration within forty-five (45) days of the date of the notice of rejection issued by the Village Administrator. If the modified application is submitted beyond this time period, it

shall be considered null and void and the procedure for submitting an Original Application will apply.

(c) INTENTIONALLY LEFT BLANK

(d) Village Council Review.

Within thirty-five (35) days of receiving the Application after review by the Village Administrator, Village Council shall conduct a public hearing on the application and make a decision as soon thereafter as practicable.

The Village Administrator, at the direction of Council, shall give thirty days notice of the time and place of the public hearing in a newspaper of general circulation in the Village, and shall notify by ordinary mail the owners of property within the a 200 foot radius of the property as identified in the application, of the pending application, the address of the proposed Bed and Breakfast, and the time, date and location of the meeting at which the Village Council will consider the application.

(1) Council shall consider the following in deciding whether to approve an ordinance authorizing the Special Bed and Breakfast Use Permit to operate a Bed and Breakfast Establishment:

(A) Whether the application for a Bed and Breakfast Establishment meets the requirements of this Ordinance.

(B) The Village Administrator's report and recommendations for waiver or modification, if any, and

(C) Evidence presented at the public hearing.

(D) Any Evidence presented by the Mayor, members of the administration and the public.

(E) The impact on the public peace, health, safety, morals and welfare of the surrounding neighborhood.

(2) Council may issue a Special Bed and Breakfast Use Permit only if the proposed Bed and Breakfast does not, by nature or in terms of the requirements of this Ordinance, have a detrimental impact on the community. In making this determination, Council shall consider the following factors:

(A) Whether the proposed Bed and Breakfast Establishment will promote the purpose of this Chapter in enhancing the appeal of the community by offering short stay housing options for friends and relatives of residents.

(B) Whether the proposed Bed and Breakfast Establishment will be well integrated into the surrounding neighborhood, maintain and preserve the integrity of the residential property and neighborhood, and retain the architectural characteristics of the residential structure.

(C) The location and number of other Bed and Breakfast Establishments in the Village.

(D) The impact on the public peace, health, safety, morals and welfare of the surrounding neighborhood.

(3) No zoning certificate or building permit shall be issued until the application, is approved and accepted by the applicant.

(4) If the Original Application is approved by Council, the Village Administrator shall issue a Special Bed and Breakfast Use Permit authorizing the operation of the Bed and Breakfast Establishment from the date that the ordinance becomes effective.

(5) The Special Bed and Breakfast Use Permit shall authorize only the person or persons designated in the application to operate and maintain a Bed and Breakfast Establishment upon the real property set forth in the application. Should the real property transfer by any means, including , but not limited to, sale, gift, inheritance, or foreclosure, this permit shall be deemed void if not renewed by successors in interest to the property within 90 days of the date that said property is transferred on the records of the Recorder of Allen or Hancock Counties.

SUBMISSION REQUIREMENTS, ORIGINAL APPLICATION

An application requesting the approval of a Special Bed and Breakfast Use Permit for a Bed and Breakfast Establishment shall minimally include the following information:

- (a) The name and contact information of the Resident Owner(s) of the subject property.
- (b) An area map showing all properties within 500 feet of the subject property, including the addresses, Allen or Hancock County Auditor's book, plat and parcel numbers, the owners names and mailing addresses, and the existing uses of the properties.
- (c) A dimensioned Site Plan of the property identifying the property corners, the type, size, and location of the existing improvements including, but not limited to, buildings, paved sidewalks

and parking areas, and any proposed improvements, and the location of any proposed off-site parking areas.

(d) A detailed Floor Plan of the entire home, drawn to scale, showing the uses, size and location of all rooms and detailing the Non-Resident Guest Rooms and their associated Dedicated Bathrooms and any other areas that will be used for, or available to, the Non-Resident Guest

(e) A detailed written description of any changes that will be made to the interior or exterior of the property to accommodate the Bed and Breakfast Establishment.

(f) An Operations Plan detailing how the Bed and Breakfast Establishment will be run on a day-to-day basis, which Resident Family Members or other individuals will be involved in the operation thereof, and the other aspects of the operation.

(g) A statement detailing the anticipated impact of the Bed and Breakfast Establishment on the surrounding neighborhood.

(h) A dimensioned drawing indicating the size and location of any sign that is proposed to be installed to identify the Bed and Breakfast Establishment.

PROCEDURE FOR RENEWING PERMIT UPON TRANSFER OF PROPERTY

(a) Renewal Request.

A new Resident Owner seeking renewal of an existing valid Special Bed and Breakfast Use Permit to operate a Bed and Breakfast Establishment issued to the prior owner of the real property shall file a Renewal Application to the Village Administrator not more than thirty (30) days from its expiration as set forth above. All such Renewal Applications shall include the following information:

(1) A statement and relevant information indicating that the operation has been conducted in accordance with the terms, conditions, and provisions of the current permit.

(2) A statement detailing any proposed Changes from the Original Application and the rationale for requesting such changes.

(b) Village Administrator Review.

The Village Administrator shall inspect the property within ten (10) days of receiving such renewal request to ensure that the Bed and Breakfast Establishment is in compliance with

the provisions of the original Special Bed and Breakfast Use Permit, that the property has been maintained in accordance with the applicable Laws and Ordinances of the Village of Bluffton.

(c) Village Council Review.

Within thirty five (35) days of receiving the renewal request and report from the Village Administrator, Village Council shall conduct a public hearing on the renewal request and make a decision as soon thereafter as practicable.

(1) If after considering the renewal request and the Village Administrator's report and conducting a public hearing, Village Council finds that there will be continuing compliance with the terms of the Special Bed and Breakfast Use Permit, Council may authorize the Village Administrator to renew the Special Bed and Breakfast Use Permit to the new owners.

(2) If Village Council finds that the Bed and Breakfast Establishment will NOT continuously comply with the terms of the existing Permit, Village Council shall Rescind the Permit and shall advise the Village Administrator to issue a cease and desist order or seek other remedies under the law.

(3) If the permit is rescinded, the owners may make a new application as set forth herein.

REGULATIONS AND CRITERIA

A Bed and Breakfast Enterprise shall only be approved if:

(a) The property is located on Main Street of the Village of Bluffton.

(b) The residential appearance of the exterior of the building or premises is not changed and there is no visible evidence from off the premises of the proposed or existing Bed and Breakfast Establishment except for the installation of a sign in accordance with the laws of the Village of Bluffton.

(c) No alterations are made to the premises that would prohibit the immediate re-use of the same as a single-family residence.

(d) Sufficient parking is provided to accommodate the Resident Owners, Resident Family Members, Resident Guests, and Non-Resident Guests. Parking may partially be provided on street if there are no more than 2 Non-Resident Guest Rooms. If there are more than 2 Non-Resident Guest Rooms, on site parking must be provided as approved by Village Council.

(e) No more than five (5) Non-Resident Guest Rooms are provided.

(f) A minimum of one Dedicated Bathroom is provided for the Non-Resident Guest Rooms.

(g) A minimum of one Household Bathroom is provided in addition to the Dedicated Bathroom(s).

(h) The property is maintained in accordance with the applicable provisions of Ordinances of the Village of Bluffton.

(i) The operation of the Bed and Breakfast Establishment does not unreasonably increase pedestrian, vehicular traffic or parking in excess of the pedestrian, vehicular traffic or parking normally present in the immediate vicinity of the premises.

(j) The owner of the property lives on the premises.

(k) The operation only employs the Resident Owners, Resident Family Members, Resident Guests, and up to one other individual not residing on the premises.

(m) Stays for any individual Non-Resident Guest are limited to 30 days in any consecutive twelve month period.

(n) Meals are not provided to anyone other than the Resident Owners', Resident Family Members, Resident Guests, and the friends and family members thereof and to the Non-Resident Guests.

(o) Non-Resident Guest meals are limited to breakfast only.

(p) Non-Resident Guests are not permitted to cook in the Household Kitchen.

(q) The establishment, maintenance or operation of the proposed use is not detrimental to nor a danger to the public health, safety, morals, comfort or general welfare.

(r) The establishment, maintenance or operation of the proposed use is not injurious to the use and enjoyment to other property in the immediate vicinity for purposes already permitted and if it does not substantially diminish or impair property values in the neighborhood.

(t) No retail sales occur on the premises Except that items may be sold by the establishment to guests and that no sales be made to any non guest at any time.

PERMIT FEE

The permit fee for the Original Application and any renewal thereof shall be \$ _____ .

NON-COMPLIANCE WITH THE PERMIT/POWER TO RESCIND

In the event that the Resident Owner operating a Bed and Breakfast Establishment fails to operate the establishment in accordance with the approved Special Bed and Breakfast Use Permit or violates any provision of the approved ordinance, the Village Administrator shall have the authority to;

- 1) order the Resident Owner or property owner to cease and desist the operation of the Bed and Breakfast Establishment and/or
- 2) order corrective action to secure compliance with the approved Special Bed and Breakfast Use Permit or the requirements of the approved ordinance within a time established by the Village Administrator provided however, no such corrective action shall exceed 90 days from the date established by the Village Administrator. Should corrective action not be completed within the time established by the Village Administrator shall order the Resident Owner to cease and desist.

PENALTY

No persons shall violate any order issued by the Village Administrator pursuant to this Ordinance. Any person guilty of such a violation shall be punished by a fine of not less than \$500.00 or 30 days jail or both.

SECTION 2: That is found and determined that all formal actions of the Council concerning and relating to the adoption of this ordinance were made in open meeting of this Council and that all deliberations of this Council and any of its committees that resulted in such formal action were in meetings open to the public in accordance with all legal requirements of the Open Meetings Law including Section 121.22 of the Ohio Revised Code.

Passed and adopted this _____ day of _____ 2013 by the Council of the Village of Bluffton, Ohio by the following vote after three readings:

Ayes: _____ Nays: _____ Abstain: _____

Attest:

Clerk

Mayor

Approved as to form:

F. Stephen Chamberlain, Village Solicitor

ORDINANCE NO. 11-13

AN ORDINANCE AUTHORIZING APPROVAL OF THE MINUTES FROM THE TAX INCENTIVE REVIEW COUNCIL AND DECLARING AN EMERGENCY.

WHEREAS, Allen County held a Tax Incentive Review Council Meeting on March 14, 2013 to review all tax abatement agreements within the Village of Bluffton, Allen County (Zone #281C) through the annual State Report;

WHEREAS, The following recommendations were made in order to assure that all companies remain in compliance and receive the full abatement as outlined in the Enterprise Zone Agreement;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF BLUFFTON, OHIO:

SECTION I: The Enterprise Zone Agreement for DTR #2 #281-00-01 (2000) expires.

SECTION II: The Enterprise Zone Agreement for Diamond Machine #281-12-01 (2012) be continued.

SECTION III: This Ordinance must receive the approval by the Board of Commissioners of Allen County and be forwarded to the Ohio Departments of Taxation and Development, and County Auditor within fifteen days of approval in order to be finalized.

SECTION IV: This Ordinance is declared to be an emergency measure necessary for the immediate preservation of the public peace, safety and welfare of the Village of Bluffton, for the reason stated in Section II. Therefore this Ordinance shall be in effect from and after its passage.

SECTION V: That it is found and determined that all formal actions of the Council concerning and relating to the adoption of this Resolution were made in open meeting of this Council and that all deliberations of this Council and any of its committees that resulted in such formal action were in meetings open to the public in accordance with all legal requirements of the Open Meetings Law including Section 121.22 of the Ohio Revised Code.

Passed and adopted this 22nd day of April 2013 by the Council of the Village of Bluffton, Ohio by the following vote:

Ayes: _____ Nays: _____ Abstain: _____

Attest:

Fiscal Officer

Mayor

Approved as to form:

F. Stephen Chamberlain
Village Solicitor

CERTIFICATION

The undersigned hereby certifies that the within is a true and correct copy of Ordinance No. 11-13, passed by the Council of the Village of Bluffton, Ohio on April 22, 2013.

Dated: _____

Nancy L. Kindle
Village Fiscal Officer

MINUTES- REVISED
ALLEN COUNTY TIRC MEETING
MARCH 14, 2013 1:00 p.m.

Present: Lauren Falcone (PDG), Jeff Sprague (AEDG), Kelli Singhaus (Allen County Commissioners Office), Rhonda Eddy-Stienecker (Allen County Auditor), Kathy Henry (Allen County Auditor's Office), Cory Noonan (Allen County Commissioner), Jay Begg (Allen County Commissioner), Kevin Cox (Perry Township), Norm Capps (Perry Township), Natalie Scott (Perry Township), Greg Kessen (Perry Township), Amy Odum (Lima), Jill Ackerman (Lima City Schools), David Belton (Shawnee Township), Chris Seddelmeyer (Shawnee Township), James Mehaffie (Bluffton), Dale Lewellen (Bath Schools), Ron Miller (Bath Township), Roy Hollenbacher (Bath Township), Brad Rostorfer (Delphos City Schools), Michael Gallmeier (City of Delphos), Greg Berquist (City of Delphos), PJ Johnson, (Village of Spencerville), Sean Chapman (Village of Spencerville), Joel Hatfield (Spencerville Schools).

Lauren Falcone, PDG, made introductions and discussed the role of all the communities/schools on the TIRC. Each year, the TIRC is charged with reviewing the tax abatement agreements in Allen County through completion of Ohio Development Agency Service's Annual Report to determine if companies have met job creation/retention commitments and investment commitments during project period and life of abatement.

PDG has been working with County since 2000 and sends the Section C's of the report to each company. The Auditor's Office verifies real property abatement amounts and in the past has verified the abatement expiration date to ensure that this matches the annual report. We are reporting abatement end dates in tax years (not calendar years).

This year we went "paperless." PDG emailed Rhonda the completed Section Cs for review on conference room smart board. Copies of the Section Cs were emailed to the TIRC members prior and if they wanted a hard copy, they printed it out and brought it with them to the TIRC meeting.

There were only two companies who did not return their completed reports by the time of the TIRC meeting- Best One Tires and Diamond Machine. PDG will work with companies to get them in the system on time. Ineos' report was not sent out in time, but is currently being worked on. The County could get fined \$500 a month if they are late on their reports by the State of Ohio.

Schools should also let us know today if they are receiving their payments (if applicable). Reports must be signed today by the County Enterprise Zone Manager, Jeff Sprague, and filed electronically at the State by 3/31/13. Minutes from this meeting must also be sent by 3/31/13. Sample legislation will be forwarded to all communities to enact the recommendations of the TIRC today, either continue, modify or expire, on each abatement agreement.

A general discussion regarding contract (temporary) employees vs permanent employees was

undertaken at certain times during the TIRC, specifically as these employees relate to the Precision Thermoplastics Components Agreement and the Proctor and Gamble Agreements. Members want to see companies list temporary vs permanent employees when reporting each year. The State report only requests full-time permanent employees. TIRC members would like to see companies turn temporary into permanent jobs or face a reduced abatement amount. Some agreements specifically have creation for temporary employees listed, so we need to be aware of these agreements. PDG will do some research to present to TIRC members.

Agreements for the following companies were reviewed. Unless otherwise noted, all votes and actions were approved unanimously. The actions of the TIRC are reflected, as follows:

1. **Wannemacher Enterprises #2/ DOGR LLC (2003):** Jobs same as last year, met creation commitment. Payroll down slightly from last year. Motion to continue made by Rhonda Eddy-Stienecker, seconded by Jeff Sprague. **Continue.**
2. **Wannemacher Enterprises #3/ DOGR LLC (2005):** Jobs same as last year, payroll up from last year and exceeded commitment. Motion to continue made by Jeff Sprague, seconded by Kelli Singhaus. **Continue.**
3. **Wannemacher Enterprises #4/ DOGR LLC (2006):** Jobs same as last year, exceeded creation by 10. Payroll up from last year and exceeded commitment. Plastipak provides employee figures. PDG to double check on how many actual Wannemacher employees vs Plastipak employees. Motion to continue with clarification on job creation made by Rhonda Eddy-Stienecker, seconded by Kevin Cox. **Continue.**
4. **Wannemacher Enterprises #5/ DOGR LLC (2009):** Jobs same as last year, met job creation of 12. Payroll up from last year and exceeded commitment. Investment levels same as last year and look good. Motion to continue made by Norm Capps, seconded by Jeff Sprague. **Continue.**
5. **Pepsi Americas (2002):** Agreement is personal property only and this year company (Erich Grundy) wants to terminate due to lack of incentive. Motion to terminate made by Rhonda Eddy-Stienecker, seconded by Kelli Singhaus. **Terminate.**
6. **PEA Lima LLC (formerly Greater Ohio Ethanol) (2004):** Jobs down by 1, but payroll up and still met job creation. Motion to continue made by Kevin Cox, seconded by Jeff Sprague. **Continue.**
7. **Precision Thermoplastic (2005):** Jobs up by 12, but still only 1 new job (based on jobs at plant at start of the Agreement). They are averaging 75-125 temps. Again this year, the TIRC felt that temps were not an acceptable solution to the job creation commitment. AEDG was to send a letter requesting temporary jobs turned into permanent, full-time employees after last TIRC. The TIRC discussed reducing percentage of abatement due to non creation of full-time permanent. PDG will draft a letter for the County

Commissioners/ Auditor to send to the Company certified mail regarding reduction of abatement. Motion to modify abatement to a 2% abatement was made by Norm Capps, seconded by Rhonda Eddy-Stienecker **Modify**.

8. **Kettle Creations (2008):** Jobs up by 52 from last year, exceeded job creation commitment. Real property investment is up. Bob Evans Farms Foods purchased plant so amendment is needed. Motion to modify for new company was made by Kevin Cox, seconded by Jeff Sprague. **Modify**.
9. **Bob Evans Farms Foods (2012):** Project is underway. Recommend continue abatement. Motion to continue made by Rhonda Eddy-Stienecker, seconded by Norm Capps. **Continue**.
10. **PCS Nitrogen Ohio LP #1 (formerly Arcadian Ohio LP) (1997):** Jobs up by 9 from last year, 37 short on job retention goal. Township mentioned they are a good community member. Motion to continue made by Kelli Singhaus, seconded by Jeff Sprague. **Continue**.
11. **PCS Nitrogen Ohio LP #2 (2009):** Jobs up by 9, creation only at 1 job. Real property investment up to \$18m. Motion to continue made by Rhonda Eddy-Stienecker, seconded by Jeff Sprague. **Continue**.
12. **Lima Refining Company (Husky) (2009):** Jobs up by 13 from last year, met retention and created new jobs. Abated real property value is \$4.8m. Motion to continue made by Rhonda Eddy-Stienecker, seconded by Kelli Singhaus. **Continue**.
13. **CR Properties/ Tuttle Services (2008):** Jobs same as last year, met retention commitment (200 retained jobs). Total real property valuation is \$1.4m. Motion to continue made by David Belton, seconded by Kelli Singhaus. **Continue**.
14. **Ineos (2011):** PDG did not send report out until later, company is working on it. Building construction is in process. Job retention is at 143 (met requirement). Real property investment up to \$15m. Motion to continue based on PDG's review of report made by Chris Seddelmeyer, seconded by Rhonda Eddy-Stienecker . **Continue**.
15. **ALPLA (2007):** Jobs up by 2, 10 short of creation, but payroll up. Personal property investment up slightly. Abated value of building at \$1.04m. Motion to continue made by Jeff Sprague, seconded by Rhonda Eddy-Stienecker. **Continue**.
16. **Sign Source (2008):** Jobs up by 3, met retention and exceeded creation. Real property investment up slightly. Motion to continue made by Rhonda Eddy-Stienecker, seconded by David Belton. **Continue**.
17. **Ford #3 (2003):** Jobs down by 6 at the plant. Motion to continue made by Kelli

Singhaus, seconded by Roy Hollenbacher. **Continue.**

18. **Proctor and Gamble #1 (2004):** Jobs down by 5 at plant, but job creation same as last year, met 22 new jobs Motion to continue made by Kelli Singhaus, seconded by Rhonda Eddy-Stienecker. **Continue.**
19. **Proctor and Gamble #2 (2005):** Jobs down by 5 at plant, but met retention. They are using contract employees, PDG to check actual numbers of permanent vs. contract. Motion to continue made by Dale Lewellen, seconded by Ron Miller. **Continue.**
20. **Proctor and Gamble #3 (2006):** Jobs down by 5 at plant, but met job creation. Payroll down slightly. PDG will check number of contract employees vs. permanent on this Agreement. Motion to continue made by Kelli Singhaus, seconded by Rhonda Eddy-Stienecker. **Continue.**
21. **Nash Finch/Super Food Services (2009):** Jobs down by 24 at plant, met retention commitment and short by 18 for creation commitment. Due to economic downturn, lost large customer and had to reduce workforce. Also had union grievance and more efficiency, so less workers, new hires. Real property is up and exceeded commitment levels. Abated real property value is \$2.5 m. Motion made to continue by Rhonda Eddy-Stienecker, seconded by Dale Lewellen. **Continue.**

City of Lima

1. **Wannemacher Enterprises (2005)/ DOGR LLC :** Jobs same as last year, exceeded creation, payroll down slightly from last year, but higher than commitment. Motion to continue made by Rhonda Eddy-Stienecker, seconded by Jeff Sprague. **Continue.**
2. **Best One Tires (2012):** No report filed, but motion made to continue based on PDG review of report was made by Jeff Sprague, seconded by Rhonda Eddy-Stienecker. **Continue.**
3. **All CRAs for Lima:** A summary sheet on all Lima CRAs was provided by Amy Odum with a presentation made of each CRA. CRA #1 (Maplewood-Northwood Apts), CRA #2 (Met Place Properties LTD), CRA #3 (Progressive Insurance, Krishna-Sterling Lodging, Fat Jack's Pizza III, New Housing For the Future), CRA #4 (Indian Lakes/Buffalo Wild Wings), CRA #5 (Lima Energy Company), CRA #6 (Health Building Group), Old CRA #2 (Lutheran Social Services, Mt. Vernon Nazarene College, Speedy Arches, Jhadervik/V&P Properties Sleep Center, Thor Leasing) were all reviewed and continued. Old CRA #1 and Old CRA #4 have no current agreements.

Village of Bluffton

1. **DTR #2 (2000):** Last year for report. Jobs up by 36. Abatement is personal property

only. Motion to expire was made by Kelli Singhaus, seconded by James Mehaffie. **Expire.**

2. **Diamond Machine (2012):** Report was not returned by company. PDG will work to get it completed and in the system. Project has been completed and they are in the new space. Company is looking for 12 new employees. Motion to continue once PDG has reviewed the report made by Jeff Sprague, seconded by Kelli Singhaus. **Continue.**

City of Delphos

1. **Vanamatic (2002):** Jobs same as last year, still 5 short on creation. Payroll up. 2013 last year for abatement. Motion to continue abatement was made by Jeff Sprague, seconded by Greg Berquist. **Continue.**
2. **K&M Tire/ Langhals Enterprise LLC (2011):** Jobs up by 14, met retained and created 21 new. Real property up, but within 20% window of Agreement. Personal property down. Motion to continue abatement was made by Greg Berquist, seconded by Kelli Singhaus. **Continue.**

Village of Spencerville

1. **Charles River Laboratories/ Springboard Labs (2007):** Jobs up by 5 at the plant, no job creation. Agreement was amended to 127 retained, so technically have met their requirement. Personal property down slightly. Company is at beginning stages of discussion of feasibility of resuming construction of the expansion. They are targeting increase from a headcount of 127 to 141 by 2nd quarter 2013. Motion to continue abatement was made by Sean Chapman, seconded by Joel Hatfield. **Continue.**
2. **HCF CRA (2011):** Job retention at 55, short from 91 goal. Exceeded real property investment. Motion to continue abatement was made by Kelli Singhaus, seconded by Jeff Sprague. **Continue.**

With no further business to come before the TIRC, the meeting was adjourned at 3:55 p.m. Next meeting will be as announced, with the required annual meeting anticipated for mid-March 2014.

ORDINANCE NO. ~~12~~-13

AN ORDINANCE: AMENDING ORDINANCE NO. 18-12 (THE ANNUAL APPROPRIATION ORDINANCE) AND DECLARING AN EMERGENCY.

WHEREAS, it is necessary to appropriate funds and amend Ordinance No. 18-12 (The Annual Appropriation Ordinance).

NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF BLUFFTON, OHIO:

SECTION 1: That monies are appropriated for the Equipment Replacement Fund, Town Hall Improvement Fund, and Water/Sewer Improvement Fund as follows:

Supplemental Appropriations:

Equipment Replacement Fund:

D5-1F-52520 Equipment +\$5,764.58

To cover the cost of the first year payment of the skid loader.

Town Hall Improvement Fund:

D8-7E-52510 Building Improvement +\$20,000.00

To cover the cost of the repairs to the Clock Tower roof.

Water/Sewer Improvement Fund:

E9-5C-52560 System Expansion +\$103,363.01

To cover the costs of the waterline replacements on Campus and Eastland Drive.

SECTION 2: That an emergency exists in the daily operation of the Village whereby failure to act will be detrimental to the public health, welfare and safety of the inhabitants thereof, and for the further reason that this appropriation transfer is needed so expenditures can be made.

SECTION 3: That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council and that all deliberations of this Council and of any of its committees that resulted in such formal actions were in meetings open to the public, in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code.

Passed and Adopted this _____ day of _____, 2013 by the governing board of the Village of Bluffton, Ohio by the following vote:

Ayes: _____ Nays: _____ Abstain: _____

Attest:

FISCAL OFFICER

MAYOR

Approved as to Form:

SOLICITOR

**To: Mayor Gallant
Council Members**

Tree Commission

The Tree Commission will be celebrating Arbor Day on Saturday, April 27th in a planting at the Village Park to honor the Men's and Women's Garden Clubs at 10:00 AM. Everyone is invited to attend the planting. Additionally, the Tree Commission has identified approximately 15 street trees that need to be replaced. Some of these lost during the storms last Summer while others simply did not survive the hot and dry weather that we experienced last Summer. The Tree Commission would also like to replace some of the tree gators that are used to water newly planted trees and increase their chance for survival.

Water Line Estimates

We received 3 estimates from our annual bidders for the waterline replacement projects on Campus View and Eastland Drive. Of the three estimates submitted J&D Snyder Excavating, All Terra, and Beaverdam Contracting, Beaverdam Contracting was the lowest at \$11,634 for Eastland and \$24,165 for Campus View. I am recommending that Council accept these estimates and contract with Beaverdam Contracting for these projects.

Refuse and Recycling

I am meeting with Terry Thompson from Republic Services on Tuesday, April 23rd to discuss the logistics of the new contract for refuse and recycling that Council approved at the last meeting. The new contract calls for the use of contractor-supplied carts for garbage (96-gallon) and recycling (65-gallon) and the efficient distribution of these carts to residents needs to be discussed. Additionally, we will be discussing the best method for providing information to residents concerning the use of the carts, any changes in schedules and recyclables that will be picked up curbside. I anticipate a joint informational/educational campaign between the Village and Republic.

Swimming Pool Concrete Work

Patriot Concrete submitted an estimate for \$16,400 to replace the damaged concrete around the pool deck. This work would be completed in time for the pool opening.

Paving Projects

Bluffton Paving is scheduled to open their asphalt plant on April 22nd and our list of paving projects is on their early to-do list.

ODOT Projects

I attended the ODOT Open House on Tuesday, April 9th at the Lima/Allen County Regional Planning Commission. Upcoming projects on the District's plan that impact the Village include the Augsburg Road Bike Path in 2015, a Corridor Study on SR 103 in 2017, and the replacement of the bridge decks that span the railroad lines on SR 103 at the I-75 140 Exit scheduled for 2017. In addition to the I-75 widening project that is currently underway in Lima, ODOT will be undertaking multiple projects on I-75 North of the Village (between Findlay and Bowling Green) including the complete renovation of the interchange at SR 68.