

**MINUTES FOR THE SPECIAL CITY COUNCIL MEETING
JUNE 29, 2015 at 7:00 p.m.**

The special City Council meeting of Monday, June 29, 2015, began at 7:00 p.m. Following the Pledge of Allegiance, a prayer was offered by Council President, Mr. Smith, Pastor of Worship Alive Church. Council persons present: MR. BAKER, MR. FEUERSTEIN, MRS. HENRY, MR. HILL, MR. MILLER, MRS. MISSLER, and MISS NASCONE.

The minutes from the open public hearing held June 22, 2015 were presented for approval. In the first paragraph describing the zone change, it was typed as R-1 to be rezoned R-2. It should be R-1 to be rezoned B-2, general commercial. Mr. Feuerstein made a motion to approve the minutes as revised. Miss Nascone seconded the motion. All were in favor. The minutes are approved as revised.

President Smith stated that this meeting has been called for the specific purpose of the discussion and possible passage of tabled Ordinance 11-15 regarding the rezoning of property owned by Carmelo and Nunzia Ruta on East Main Street. This meeting is open to the public. It is very important that Council is given facts, not hearsay or assumptions. Council President makes sure that everyone follows proper procedure and the meeting goes in an orderly fashion. Everyone interested in speaking will be given time to speak. The subject must only pertain to this legislation. He requested that each person be given respect and not interrupted.

COMMENTS BY CITY OFFICIALS

Mayor Berkey stated that he is in favor of the change of zoning. He mentioned that there are two types of businesses, small ones with very little capital and experience, and large ones like chains that have experience, capital, and have a successful business plan. He did some research on O'Reilly Auto Parts. Since they opened their first store in 1957, they have grown to over 4500 stores. They have a successful pattern. We have an opportunity to have a large business entity that has a good track record.

Law Director, Mr. Wallingford stated that if there is any action to bring the legislation off the table this evening, it will have to be moved only by someone who was previously in favor of tabling the ordinance.

COMMENTS OF PROPONENTS OF ORDINANCE

President Smith turned the time over to proponents of the ordinance. He asked **Steven C. Fuhr, Executive Director of the Bellevue Development Corporation**, to speak. Mr. Fuhr stated that this is a good thing that is happening in Bellevue. Activity that tries to thwart advancing the City makes us lose momentum. If we lose momentum we will have a hard time moving forward. There are groups of people that work on behalf of large chains nationwide who do massive amounts of homework and select sites for these chains. We have an opportunity to keep the momentum going with O'Reilly's wanting to open a store here. When asked if having several of the same kinds of stores is bad for business, he

stated that the more businesses you get in the City, it will attract more people and more business. As businesses like this come to the City, it improves the lives of everyone in the City. Mr. Miller asked how many lots O'Reilly's wants and Mr. Fuhr stated that there are four adjacent lots to the motel. They selected this site because they are looking for a long term site that is built on a good foundation.

COMMENTS OF OPPONENTS OF ORDINANCE

Stacy A. Smith, 1005 East Main Street, stated that after receiving the letter about the property she called and made a formal protest and asked the Safety-Service Director what the citizens involved should do. She feels that residents should have been told earlier. When the legislation was tabled, she spoke with several Council members and did some of her own research. She understands about the need for businesses being brought into Bellevue. When something like this is going on, however, she feels the City should let the residents know what it will do to their property values. Realtors have told her both ways. She stated that most of her neighbors bought foreclosed homes on Main Street, put money into them, built nice homes and made Bellevue better. She is also still concerned about businesses coming in that don't make it and leave empty buildings that are eyesores. If O'Reilly's isn't taking the entire rezoned property, what other businesses may come in? She appreciated several Council members that took time to talk with the residents about it. It gave her a better understanding. She is worried about lighting issues and driveway issues. She wants it to be safe for her family. She feels the residents should have been included in the planning. Mr. Crosby stated that the City controls the lights and can also put up fences. Mr. Baker spent time at an O'Reilly's store and stated the store and parking lot are very well kept. The lights point down and should not be a problem. Mr. Miller inquired about only rezoning the one lot the store needs.

Denise Raifsnider, 140 Orchard Street, stated if they only want one more lot for commercial business, will they sell the remaining lots for gas stations or the like? Where will the entrance be? Once it is zoned commercial anything can go in.

Jennifer Frey, 1001 East Main Street, stated that if the properties are rezoned commercial, she is concerned about noise all night into the early morning. She inquired if Mr. Ruta could back out after it is rezoned. She would like information on when Mr. Ruta previously wanted to rezone and it was denied. She would like to know what he wanted to put there and why he was turned down. She agrees with rezoning only one parcel. She has done some research and within a 20 mile radius there are over 20 auto part stores. She is also concerned that we may end up with an empty business. She is concerned that if Mr. Ruta doesn't sell the properties he won't maintain the property. She appreciates everyone who stopped in her home, discussed the issues, and helped her to understand them. Hopefully there is a way we can work it out so everyone can be happy with the situation. She was concerned about liquor licenses and was told that any time a business wants a license, it will have to come up before Council and if there are issues, Council can request a hearing.

George Keller, 5516 Edmunds Road, stated that Mr. Ruta has tried three times to rezone the same lots to commercial. The most important issue is the liquor license. Mr. Ruta owns many liquor licenses in Sandusky. If O'Reilly's falls through, anything can be put there. The City doesn't need another auto parts store. He said he feels the City needs more places for youth to go.

ADDITIONAL COMMENTS OF CITY OFFICIALS

President Smith stated that it is very important that Council has all the information to make a good informed decision. The one comment that carried the most weight at the public hearing was that we were told that one citizen had been notified by her bank and told if a business goes in across the road it would take her property value down by half. If the bank employee did say that and we had documentation and how they arrived at this conclusion, Council would certainly need to know. That is why the ordinance was tabled. When it was researched, it was determined that the comment was unfounded. He doesn't want anyone to think the property values will be cut in half. Mrs. Smith said the banks did tell her that it could drop the values. Treasurer, Mr. Freitag, stated that with increases in business activity, it is likely that property values could raise.

Safety-Service Director, Mr. Crosby, stated that there were some housing violations from Mr. Ruta that were from maintenance issues on the homes that were there before they came down. There were some issues with mowing the grass. A company has been called to help with that. We looked back to 2000 for rezoning requests by Mr. Ruta and we couldn't find anything.

Treasurer, Mr. Freitag, stated that he had pulled some comparable sales on Main Street. Some have appreciated significantly. Appraisals can change from one day to the next.

Mr. Miller stated that he is all for economic development and bringing industry into town. The more we build up our City the better it will be. The ones who live in the homes across from the property to be rezoned have fixed them up really nice. In trying to keep both sides happy, he suggested they rezone only the one lot that O'Reilly's needs. He would like to make a motion that we amend the Ordinance from four lots to one lot. Mr. Wallingford stated we would have to bring it off the table first to do that. Mr. Miller mentioned that one of the homes involved is one of the first homes in Bellevue and is historical.

Mrs. Missler stated that she called many of the dealerships to inquire where they get their parts and their first choice was NAPA, and then they go to Clyde to Auto Zone. None that she spoke with gets their parts from Huron.

Miss Nascone reiterated why we are here tonight. If anyone has concerns, feel free to call her. She appreciated the calls she received.

Law Director, Mr. Wallingford stated that with regards to amending the ordinance, any amendment will need to pass with six votes. It would have to be voted on by majority after a motion to bring the ordinance off the table. He also wanted to make it clear with regard to liquor licenses, that Council doesn't make the decision whether a company can have a liquor license. We are notified that a liquor license has been requested, and if there are issues, we can request a hearing. We do have input but it is up to the Department of Liquor Control to make the decision. Also, every liquor license is up for renewal each year. If we hear that there are problems from the police chief, safety-service director, or citizens, we can request a hearing. He was unclear whether Mr. Ruta has a license in his name or assigned it to the Mexican restaurant. He wanted to make it clear that we have input but not total control.

LEGISLATION

Tabled Ordinance 11-15: AN ORDINANCE RE-ZONING PARCELS OF LAND OWNED BY CARMELO & NUNZIA RUTA, THEREBY AMENDING THE PLANNING AND ZONING CODE OF THE CITY OF BELLEVUE, AND DECLARING AN EMERGENCY

Motion was made by Mr. Baker to untable the ordinance. It was seconded by Mr. Fuerstein. All were in favor.

Motion was made by Mr. Miller to amend Ordinance 11-15 to include the rezoning of only one lot. It was seconded by Mrs. Henry. A vote was taken. Motion failed by the vote 2-5, Mr. Hill, Mrs. Missler, Miss Nascone, Mr. Baker, and Mr. Feuerstein, nay.

Motion to adopt Ordinance 11-15 was made by Mrs. Missler and seconded by Miss Nascone. Vote was taken, motion passed by 5-2, Mr. Miller and Mrs. Henry, nay.

CLOSING COMMENTS

President Smith thanked all Council members for due diligence in reaching out to citizens and he thanked the citizens for coming to the meetings and working with Council.

Motion to adjourn was made by Mr. Baker and seconded by Mrs. Missler. All were in favor.

Respectfully submitted,

Ronald Smith
President of Council

Rhonda R. Soper
Clerk of Council