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MINUTES OF JOINT MEETING OF PERRYSBURG COUNCIL AND PERRYSBURG TOWNSHIP TRUSTEES ON PLANNING AND ZONING ISSUES – HELD MAY 16, 2006

Mayor Evans called the regular meeting to order at 7:05 p.m. Present were Council members Ernie, Lawless, Mackin, Larson-Shidler, McCarthy, Olmstead, Rantanen: (7) Absent: (0). Township Trustees present: Britten, LaHote, Mack, (3) Absent: (0)

Mayor Evans presented a check for \$36,500 for the first half of the real estate taxes for the Agreement area for 2006 to Mr. Mack.

John Donahue, legal counsel for Perrysburg Township, explained that there is a problem that has arisen regarding the application of the City Code to an area in Perrysburg Township that is protected by the 99-Year Agreement. The area is east of I75 and is referred to as Exhibit A in the Agreement. The Agreement was signed on March 8, 2001.

He explained that there are conflicts between the City's Code, the Township's Zoning Code, and the Wood County Zoning Rules and Regulations. He noted developers are confused as to why they are required to comply with the City's rules when they are located in the Township. When told they have to comply with the 99-Year Agreement, the developers do not know what that says or means.

Mr. Donahue noted that the 99-Year Agreement does not contemplate the application of the City's Code, i.e. site plan requirements and the Comprehensive Plan, to this area, which is protected for 99 years. He noted the Agreement seems to say that any developer who wants water and sewer services will have to sign a pre-annexation covenant, which the Township feels, is reasonable. He noted even if the Agreement says that the City's Code applies, which it does not, it is unreasonable to apply the City's Code provisions to an area, which is not going to be annexed for 100 years. He noted the Agreement was signed on March 8, 2001, and the City's Code is changing and being amended; however, when the Township signed the Agreement, the consideration for the Agreement, was the Code provisions, if applied at all, should be the Code provisions that were in effect on March 8, 2001.

Mr. Donahue proposed that Council pass an Ordinance that would establish a temporary moratorium on the application and enforcement of the Perrysburg Municipal Code in that Township area only, which is protected by the 99-Year Agreement. As part of the moratorium, the Township is asking the City to consider grandfathering in any projects, which are now underdeveloped, extending water and sewer services to these projects, based upon the rules that were in effect when the Agreement was signed on March 8, 2001. He explained that the moratorium would allow time for both entities to form a Joint Commission to study the City's Code, the Township's Zoning Code, and the County's building and zoning requirements and to make a joint recommendation to create an overlay district where the rules and regulation for development in this area would be uniform. The rules that apply at the time of the Agreement would govern the moratorium period, with exception of the site plan requirement, which he suggested be watered down somewhat so that the developers and landowners would not have to comply with the extensive site plan requirements. He noted back in 2001, the subject of the site plan requirements were sidewalks, bike paths,

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and water/sanitary sewers. Mr. Donahue noted in conclusion, the Township is proposing that during the moratorium, developers still be required to sign the pre-annexation covenant, comply with the Perrysburg Township Zoning Code, comply with the County's Zoning Code, and comply with the City's Comprehensive Plan as was in effect in 2001. Mr. Mack, on behalf of the Trustees and the people that are trying to conduct projects in the Township, asked Council to adopt Mr. Donahue's proposal. Several Council members expressed their concern that they did not have time to study the City's or the Township's drafted proposals or time to compare the two. Copies of the Township's proposal were distributed to Council, and Mayor Evans asked that the discussion continue at tonight's Council meeting.

There being no further business, Mr. Lawless moved to adjourn the meeting. Mr. Mack seconded. Ayes: (10). Nays: (0). The meeting adjourned at 7:26 p.m.

David D. Creps, Clerk