

EAST PALESTINE VILLAGE COUNCIL MONDAY 9/26/16 85 N. MARKET ST. 7PM

Mayor Pro Tem Alan Cohen called the meeting to order as Mayor Zuch was on vacation. Present was Mr. Cohen, Mr. Elzer, Mr. Todd, Mr. Tyger, Mr. Walker, and Mr. Yokley. Also present was Manager Monteleone, Finance Director Traci Thompson and Clerk Misti Martin. Atty. Powers was also on vacation. The minutes of the Sept. 12 Utility Committee, Public Hearing and Regular meeting were approved on a motion by Mr. Elzer, seconded by Mr. Walker. All in favor. Mr. Cohen stated there were two new department reports, one for zoning violations and the other a water consumption report and requested a motion for approval. The reports were approved on a motion by Mr. Elzer seconded by Mr. Walker. There were no Agenda items, Clerks Report, or Mayors Report.

MANAGER: Monteleone stated he had given Council a written report. Mr. Elzer asked about updating the Village website to be more professional, Monteleone stated it would have to be budgeted for next year as it was very costly, it could be around \$5000.00 per page.

LAW DIRECTOR: Atty. Powers was on vacation. Mr. Elzer stated he spoke with an architect about commercial property being used for residential property; he said you do not have to go through the state for change of use. Mr. Elzer stated that Atty. Powers said this but he disagreed with him at the time.

STREET: Mr. Walker said there were a lot of streets done this year (including Cyland and Kemple) and he is impressed. Mr. Cohen stated Kemple Dr. looks better than it has in years and that is due largely in part to the work of Street Superintendent Steve Baird.

SAFETY/PARK/REC/CEM: Mr. Cohen stated they received a season end report in their packets in reference to the pool/park from Dot Herbert. He said it was an excellent summer and everyone did a great job. Mr. Cohen also stated the Haunted Trail will begin the first weekend in October; it is put on by Nate Foster.

DEVELOPMENT: Mr. Elzer stated they had a meeting in reference to the HR Evans Steele Building hoping to drum up more interest. He said the auction is the end of October and they have two opening houses coming up. Mr. Elzer called a Development Committee meeting prior to the next regular meeting on Oct. 10 at 6:15 to discuss zoning in the Village.

UTILITY: Mr. Todd stated that tonight there was a resolution to proceed with the Well/Water Treatment Plant project. Manager Monteleone stated that this week WW Superintendent John Jurjavic hosted a seminar for the North East Ohio Water Environmental Association at the park Community Center with around 100 people in attendance. He said Jurjavic gave very good presentation about our history including the flood and the water crisis and thanked him and his crew for doing a great job.

FINANCE: NO REPORT

VISITORS: Mary Anne Tyger, John & Dot Herbert, Jerry Coblenz, Terry Ward, Rick & Karen Gorby, John Simon, John Davis, Dave Vargo, mark Powers. Cpl. Brian Moore, John Jurjavic, Chief Josh Brown, Katie White.

VISITORS COMMENTS ON CURRENT LEGISLATION: In reference to Ord. 13-2016 (Acc. Buildings) Dave Vargo stated he doesn't want to be limited to what size garage he can build as he has a lot of acreage. Monteleone stated that to give perspective on sizes he and Mr. Cohen measured the daycare building next to McDonalds and it is almost exactly 2400 sq feet, and Rite Aid is around 10,074 sq ft building. Mr. Cohen stated he checked quite a few surrounding communities that are around our size, a lot of them use the same zoning code we use as it was a standard code around the time it was adopted in the 70's. He said as it stands the code has never really been a problem, he said that Columbiana has a max size of 832 sq ft but they allow residents to go to the Zoning Board of Appeals to apply for a variance to build an oversize accessory building. The Board would

then decide if the request is appropriate given the size of the lot. Mr. Cohen suggested setting a cap for the size and changing the zoning code so that the garage size could be considered as a variance. Mr. Vargo could then submit plans and a request to the Zoning Board for a variance to build an oversize building (because he has so much acreage) and if the board found it appropriate the request could be granted. Mr. Cohen said if the cap is completely removed someone could potentially build an 11,000 sq ft residential accessory building, which is why the zoning code was put into effect, to avoid oversized buildings on residential lots. Building Inspector suggested a cap at 1200 sq ft which is the size of an average three car garage. Simon also said there is nothing that says you can't build multiple garages on one lot as long as each one isn't over the max size and they can't take up more than a third of their rear yard. Mr. Vargo and Mr. Mark Powers again stated they just didn't want to be locked into a certain size building when they have a lot of acreage. Mr. Cohen stated Ord. 13-2016 would have to be tabled and the new information would have to be given to Atty. Powers. Mr. Cohen then made a motion to table Ord. 13-2016 seconded by Mr. Walker. All in favor.

LEGISLATION: Mr. Yokley introduced Ord. 16-2016 for a third reading and made a motion that it be read by title only seconded by Mr. Elzer. **An ordinance authorizing the Village Manager on behalf of council to enter into contract to sell real estate known as the West Half of lot number 53, in McCalla's second addition being the same premises acquired by the municipality by auditors deed recorded at Volume ORV 1943 page 439.** Mr. Yokley called for a vote on Ord. 16-2016. Mr. Cohen-y, Mr. Elzer-y, Mr. Todd-y, Mr. Tyger-y, Mr. Walker-y, Mr. Yokley-y. 6 yes to pass. Mr. Cohen made a motion to amend Ord. 17-2016 by interlineation to correct typographical errors in section 1020.14 (A) in Exhibit A seconded by Mr. Walker. All in favor. Mr. Yokley introduced Ord. 17-2016 for a second reading and made a motion that it be read by title only seconded by Mr. Walker. **An ordinance repealing the current provisions of title two, Chapter 1020 of the Codified Ordinances of East Palestine, and adopting new sections 1020.01 through 1020.09 as set forth in exhibit A.** Mr. Yokley introduced Ord. 19-2016 for a first reading and made a motion that it be read by title only seconded by Mr. Walker. **An ordinance adopting a new use regulation by the addition of Section 1252.03 (a) (7) of the Codified Ordinances of the Municipality of East Palestine Ohio related to the keeping of chickens in residential areas.** Mr. Cohen stated that since this is a change in use regulations that it would now have to go to the Planning Commission for review/recommendations and then through the public hearing process and then back to council for its final readings and vote. Mr. Yokley introduced Res. 13-2016 and made a motion that it be read by title only seconded by Mr. Tyger. **A resolution authorizing the Village Manager to submit applications and to execute the contracts and act as chief executive office for the Ohio Public Works Commission Program year 2017 OPWC funded project namely the year 2017 water treatment plan improvement project and to designate the Finance Director as Chief Fiscal Officer for all grant documents for the project and to designate MS Consultants Inc as the project manager for the design, bidding and construction administration for the project and declaring an emergency.** Mr. Yokley made a motion to suspend the rules and declare an emergency seconded by Mr. Walker. Mr. Elzer-y, Mr. Todd-y, Mr. Tyger-y, Mr. Walker-y, Mr. Yokley-y, Mr. Cohen-y. Mr. Yokley called for a vote on Res. 13-2016. Mr. Todd-y, Mr. Tyger-y, Mr. Walker-y, Mr. Yokley-y, Mr. Cohen-y, Mr. Elzer-y. 6 yes to pass. At this point Mr. Cohen asked for a volunteer of council to help him go over the employee evaluations and Mr. Elzer volunteered.

ADJOURN: Mr. Walker made a motion to adjourn, seconded by Mr. Yokley. All in favor, meeting adjourned.

MAYOR MARGO ZUCH

MISTI J. MARTIN CLERK