

**EAST PALESTINE COUNCIL JUNE 13, 2016 7:00 PM 85 N. MARKET ST.**

Mayor Zuch called the meeting to order. Present was Atty. Beagle, Mr. Cohen, Mr. Elzer, Mr. Todd, Mr. Tyger and Mr. Walker. Also present was Village Manager Pete Monteleone, Law Director Dave Powers, and Finance Director Traci Thompson (Clerk Misti Martin was on vacation). Mr. Cohen made a motion to approve the minutes of the May 23 Development Committee and Regular meeting seconded by Mr. Walker. The May 2016 department reports were approved on a motion by Mr. Elzer seconded by Mr. Cohen. There were no agenda items however Mr. John Dyce who is running for office for the fifth district of the State Senate was in attendance and Mayor Zuch gave him time to address Council. Mr. Dyce stated he is a retired postal worker and has never held public office. He said he is trying to attend all local council meetings to learn firsthand what some of the true issues the communities are facing.

**CLERK:** Mayor Zuch stated that the Clerk was on vacation however she needed to announce a public hearing on June 27<sup>th</sup> at 6:30 pm in reference to Ord. 10-2016 (signs) per Charter section 4.13. Mayor Zuch then read aloud a letter from the Planning Commission recommending Council pass the sign ordinance as it is written.

**MAYOR: NO REPORT**

**MANAGER:** Monteleone stated he gave Council a written report. He said they are still working on the contract for the spec house at Leslie Run. He gave council a first draft copy of the new NPDES Permit, Mr. Elzer said it didn't look too bad, that there were a few new requirements as far as monitoring were concerned but those requirements are nationwide. He said after speaking to Jason Stanton from LSSE that the bubble diagram showing the wet areas is almost complete, Mr. Stanton also told him that this is one of the wettest areas he has ever seen and that he will be attending the next meeting on the 27<sup>th</sup>. He said Butch Mcree has begun the milling for the paving project and paving will start Wednesday. He also said since the prices came in so low we were able to add Eaton Dr. to the project. In reference to pool pass sales he said in the last eight years there were times the best we saw was around \$12,000, last year we sold around \$15,000. As of today we are already at \$12,000. He said the park and the pool are looking better than ever and the summer help has started, they have been extremely productive. Mr. Elzer asked what happened on Sumner St., Monteleone said they did a change order to fix the grade and pavement on Sumner, when the original bridge work was being done they had collapsed a storm sewer and the repair of that was also included in the change order at a cost of around \$32,000 which would be covered by the grant. Monteleone said the new mural on Coders building will begin soon. He also said he previously stated that Chevrolet was paying for the murals but it is in fact Tom Brittain, not Chevrolet. In reference to the Dairy Mill, Mr. Elzer said we have a lot of property that is zoned incorrectly and in this instance he thought we should correctly fix the problem instead of pushing it down the road, he said if a property changes hands there shouldn't be an issue with what can be done there, he feels the property should be made to be commercial. Monteleone said he agrees with Elzer it's just in the specific case he didn't want to impede the sale of the property. Atty. Powers said the issue is the Dairy Mill is zoned residential but was grandfathered in under a non conforming use permit, Powers said someone would not be allowed to put an auto repair shop on that property as it would be a change in use, he said after reviewing the code he could argue both sides of the case but that he is comfortable in that if a business is operating and then closes and then comes up for sale as the same type of business he feels that it is still "in operation". Powers said there are a list of things permitted in RA District, an ice cream stand isn't one of them, it could be something else but not the generic commercial property. The problem with rezoning is that would be "spot zoning". Mr. Elzer said the zoning here is a development nightmare, Atty. Beagle agreed but stated she feels the Dairy Mill issue should have been dealt with when it first went on the market. She asked if it would be spot zoning if we looked at these vacant properties ahead of time and try to rehabilitate the situation. Monteleone said he explained to the buyer that it would have to be operated under the

non conforming use. Mr. Cohen stated that the state prohibits spot zoning; Atty. Powers said he would suggest rezoning of property with homes on either side; it would have to be looked at in areas. Mr. Cohen stated that zoning codes in general put these non conforming use permits in place to grandfather in businesses but also with the idea that they would eventually disappear.

**LAW DIRECTOR:** Atty. Powers stated there are issues with Ord. 1-2010 in reference to allowable sizes of accessory buildings, the ordinance states the max allowable size is 1000 sq ft but he strongly feels that may be a typo and that it should have possibly said 10,000 sq ft. He stated the first line of the ordinance allows up to 1080 ft and then it says for every addition 3000 sq ft of lot size you can add another 100 sq ft of garage but the last sentence says no garage shall exceed 1000 sq ft, it makes no sense. He said Bldg. Inspector John Simon is having problems issuing building permits in this instance. Powers suggested an amendment to this code section after he gets input from Mr. Simon if council had no objections.

**STREET: NO REPORT**

**S/P/R/C:** Mr. Cohen remarked about the park looking good and the pool opening going well. He stated he and Mr. Walker had a scare and thought there was a water leak at the park but in fact the drillers were purging the new well being drilled. Monteleone stated the well is being drilled where the engineers and the EPA recommended it however they are disappointed by the fact that it is not producing what they had hoped. Mr. Cohen asked if it is still usable if it is under producing and Monteleone said not to the extent they wanted to. Mr. Cohen asked Chamber President John Davis if there is an official opening date for the Dog Park and he said no, they still don't have the concrete portion completed.

**DEVELOPMENT: NO REPORT**

**UTILITY: NO REPORT**

**FINANCE: NO REPORT**

**VISITORS:** Mary Anne Tyger, Dianna Elzer, Kent Chapman, John Dyce, Gary DeMarchis, John Davis.

**THERE WERE NO VISITORS COMMENTS ON CURRENT LEGISLATION**

**LEGISLATION:** Atty. Beagle introduced Ord. 10-2016 for a second reading and made a motion that it be read by title only seconded by Mr. Cohen. **An ordinance amending Chapter 1252.14 E 7 of the Codified Ordinances of the Municipality of East Palestine, Ohio.** Atty. Beagle introduced Ord. 11-2016 for a second reading and made a motion that it be read by title only seconded by Mr. Cohen. **An ordinance adopting the budget and estimated resources for the Village of East Palestine, Ohio, for the fiscal year beginning January 1, 2017.** Atty. Beagle introduced Res. 10-2016 and made a motion that it be read by title only seconded by Mr. Cohen. **A resolution to exclude the approval of the City of Salem, which approval would otherwise be required, for an alternate method of apportionment of local government fund and local government revenue assistance fund monies to be distributed in 2017 and declaring an emergency.** Atty. Beagle made a motion to suspend the rules and declare an emergency seconded by Mr. Cohen. Atty. Beagle-y, Mr. Cohen-y, Mr. Elzer-y, Mr. Todd-y, Mr. Tyger-y, Mr. Walker-y. Atty. Beagle called for a vote on Res. 10-2016. Atty. Beagle-y, Mr. Cohen-y, Mr. Elzer-y, Mr. Todd-y, Mr. Tyger-y, Mr. Walker-y. 6 YES to pass. Atty. Beagle introduced Res. 11-2016 and made a motion that it be read by title only seconded by Mr. Cohen. **An emergency resolution approving a new alternate method of apportionment of local government fund and local government revenue assistance fund monies to be distributed in 2017.** Atty. Beagle made a motion to suspend the rules and declare an emergency seconded by Mr. Cohen. Atty. Beagle-y, Mr. Cohen-y, Mr. Elzer-y, Mr. Todd-y, Mr. Tyger-y, Mr. Walker-y. Atty. Beagle called for a vote on Res. 11-2016. Atty. Beagle-y, Mr. Cohen-y, Mr. Elzer-y, Mr. Todd-y, Mr. Tyger-y, Mr. Walker-y. 6 YES to pass. At this point Manager Monteleone stated he appointed

Bonnie Sansenbaugher to the vacated Park Board position and also that he would be on vacation next week.

**ADJOURN:** Mr. Cohen made a motion to adjourn seconded by Atty. Beagle. All in favor, meeting adjourned.

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**MISTI J. MARTIN CLERK**

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**MAYOR MARGO ZUCH**