

Record of Proceedings

Public Hearing:

Mayor Ed Klco called the meeting to order at 7:00 pm and led the Pledge of Allegiance to the Flag of the United States of America.

Council Roll Call: called by Lynn Kary, Finance Director

Council members present: Maureen Callahan, Mike Cutler, Larry Klco, Larry Reichard and Dick Shreve. Ken Siegel was excused.

Public Hearing to consider change to the Zoning Code amending Section

1101.02(125) “Tourist home” means a dwelling in which daily overnight accommodations are provided or offered for transient guests.

Mayor Klco stated the Planning Commission recommendation is to not make changes to Section 1101.02(135) of the Zoning Code.

Audience comments:

Bill Barrett asked what the expense would be to the village for renting out the park house. Mayor Klco stated they did not have that information at this time.

Bill Barrett stated if you’re making a decision on renting it, you should have your finances in order first.

Doug Dedek asked if this was going up for a vote.

Mayor Klco stated the public hearing is to get resident input.

Doug Dedek stated he is against renting the park house.

Dwayne Bailey intervened indicating which zoning issue is being addressed.

Bill DePledge asked what the basis was for making the change to the definition of Tourist Home.

Mayor Klco stated there was confusion as to whether a home could be rented on a daily, weekly or monthly basis and they were trying to get a clarification on what constitutes a tourist home. Mayor Klco stated if there was a number of days in it, it might be clearer. Bill DePledge stated his concern that it’s going to be voted on and it’s still not a clear definition.

Maureen Callahan asked if Dwayne Bailey could help clarify for the audience that a tourist home is not allowed in certain district.

Dwayne Bailey stated the tourist home definition does not include a check list for determining when something is just a short term rental verses a regular rental and that’s how this definition came into question and why council wanted clarification on it. A tourist home is someone taking possession of a house for a week or a number of days. They are not going to establish residence, not going to vote, not enrolling their kids into schools here, and that’s where the confusion and the desire for clarification were generated.

Justine Brichford stated she is opposed to tourist homes.

Public Hearing to consider change to the Zoning Code amending Section 1106.03 R-1, Residential Single Family, ¾ Acre adding (d) Rentals – The rental of any building or premises used for purposes permitted by this Section is allowed.

Mayor Klco stated the Planning Commission recommendation is to make no changes to Section 1106.03 R-1 Residential Single Family of the Zoning Code.

Dwayne Bailey stated this change resulted from the fear that a tourist home definition would be applied to someone for example who is renting a room to a nonresident during the power plant outage. That temporary lodging situation would be a prohibited use in the residential district. So this is a clarification that any rental of your property that’s legal by all the permitted uses in the residential district, is allowable as long as it complies with the rest of the laws of the community.

Audience comments:

Kelly Taylor asked if it's being rewritten so it doesn't say boarding house, hotel, and motels.

Dwayne Bailey stated no, the only change is it's reasserting that rentals that are legal are still legal and heading off the application of a tourist home to other rental uses.

Council comments:

Larry Reichard stated he feels the change would be easier to understand and follow if (d) Rentals was inserted after (a) (5) Churches.

Public Hearing to consider change to the Zoning Code amending Section 1106.02 P-2 Park Land (a) adding (14) Notwithstanding the provisions of item (a)(1) through (a) (13) of this Section, the residential structure owned by the Village and located at North Townline Park may be rented by the Village, through the Mayor, pursuant to the regulations hereinafter adopted by the Village Council.

Mayor Klco stated the Planning Commission recommendation is to make no changes to Section 1106.02 P-2 Park Land of the Zoning Code.

Audience comments:

Bill DePledge stated he is probably the closest residence to the park house and is opposed to renting it out.

Doug Dedek stated he is against renting the park house.

Doug Secor stated he thinks it would be a good asset for the Village to rent the house.

Russ Ford stated he is against renting the park house.

Shirley Andrikanich stated she is against renting the park house.

Justine Brichford stated she is against renting the park house.

Nora Walker asked if the house needed repairs.

Jo Bailey stated it would probably need electrical updates.

Nora Walker stated she is against renting the park house.

Bill Barrett stated it comes down to the finances. How much it will cost the village for addition insurance, the electrical update and exterior fire escape.

Kelly Taylor asked if the house would have to be surveyed for a separate piece of property.

Dwayne Bailey stated the house would not need to be separated from the park.

Kelly Taylor asked if the village would have to pay taxes on the whole park if the house was a rental.

Dwayne Bailey stated no, it would only be on the house and it's been that way for some time.

Russ Thompson stated he is against renting the house.

Kathleen Smith stated she is against renting the house.

Councilwoman Callahan asked if residents would give a reason why they don't want it rented.

Kelly Taylor stated it would cost the village too much and wouldn't make it up in rental fees.

Doug Dedek asked who would you rent to, who wouldn't you rent it to. If you rent to anybody, you have to rent to everybody.

Julie Ridenour stated her concerns on the cost of leaving the house empty. She stated she's not for or against renting it.

Bill Barrett stated he suggested before instead of expending money, make money.

Auction the house off, take off a parcel to the south of the park and have the house moved down there.

Nora Walker asked if the village couldn't use the house for offices.

Michelle Cicero asked wouldn't it have been beneficial to create a spreadsheet showing potential expenses and income before coming to a conclusion.

Joe Gurley, Village Solicitor stated the comments are meaningful and it's a common sense approach to the subject matter, but basically when the council considers issues involving zoning, those matters aren't applicable. The issue is whether the change to the zone is consistent with the zoning plan and pattern for North Perry Village and facilitates the master plan for North Perry Village. That's the issue that you look at.

Bill DePledge commented Eastlake sold the old administration building for \$1; then the buyer had to move it at his expense. Should move the house and use as extra parking.

Council Comments:

Larry Klco commented the residents were asked for reasons why they didn't want the house rented, had a couple comments: financial issues, what's it going to cost the village. Those are things that council has taken into consideration but exact numbers we don't have. This house is no different than any other house that can be rented.

Bill Barrett stated that the ownership of that house is all of the residents; it belongs to the village, not an individual. Before, you had an employee of the village living there keeping an eye on the park. Council changed that perspective.

Public Hearing closed at 7:34 pm.

Council Meeting:

Mayor Ed Klco called the North Perry Village Council meeting to order at 7:35 pm.

Personnel Present:

Lynn Kary, Finance Director
Joe Gurley, Village Solicitor
Ron Radovanic, Police Chief
Jo Bailey, Parks Director
Dwayne Bailey, Zoning Inspector
Bill Baker, Village Engineer
Steve Sabol, Road Commissioner

Audience Present:

27 guests signed in.

Approval of Minutes:

Motion by Cutler, second by Callahan to approve the minutes of October 1, 2015 Regular Council Meeting. Council members Callahan, Cutler, L. Klco, Reichard, Shreve and Siegel voted in favor of the motion.

Audience Comments:

Arnie Stanko thanked the community for supporting him in his run for Township Trustee. Arnie Stanko stated at Perry High School football game on Saturday they will honoring the Veterans at halftime.

Doug Secor stated he was hired to clean the ponds in Kevin Michael Estates, there are still some issues with drainage of the main water way coming out of pond 2. Wanted to suggest to North Perry to look at it and maybe get funds to clean it out down to the power lines while we have the equipment there.

Ed Forro from Kevin Michael HOA reported the first pond is almost done. He said they are at the point now, with momentum and the machinery on site if there was a way to work with council to get the work done on the second pond and get Mr. Secor paid.

Administrative Reports:

Finance Director

Lynn Kary stated the expenses for October totaled \$164,587. Payroll for October was \$49,991.

Motion by Shreve, second by Callahan to approve the expenses. Council members Callahan, Cutler, L. Klco, Reichard, Shreve and Siegel voted in favor of the motion.

Mayor

Mayor Klco asked for committee reports.

Larry Reichard gave a report from the Lake County Economic Development and Perry Economic Development and Perry Fire Board.
Kathleen Smith gave a report from the Perry Rec Board.

Mayor Klco stated he was asked by council to find information on companies that would review our finances to help with the budget. Will schedule them to meet with council on different nights.

Solicitor

Joe Gurley thanked and congratulated Dick Shreve on his service to the Village as Councilman and on his new endeavors.

Mayor Klco presented Dick Shreve with a resolution.

**RESOLUTION NO. R15-24 A RESOLUTION OF APPRECIATION FOR
RICHARD C. SHREVE**

**Motion by Cutler, second by L. Klco to adopt.
Council members Callahan, Cutler, L. Klco, and Reichard voted in favor of the
resolution.**

Police Chief

Chief Radovanic reported an older resident suffering from Alzheimer's wandered away from his home; he was missing for about an hour. Working with the family to prevent this from happening again.
Chief reported the department is investigating the death of a 36 year old female resident.
Chief reported he is addressing golf carts in the newsletter.
Chief thanked Dick Shreve for his support.

Parks Director

Jo Bailey thanked council for the contribution toward the Community Halloween Party.
Jo thanked Dick for work with the Village.

Zoning Inspector

Dwayne Bailey reported the dredging contractor has started and when completed, it will be followed up with the bathymetric survey and the removal of the docks.
Dwayne expressed his pleasure working with Dick Shreve.

Village Engineer

Bill Baker reported they completed a site plan for a new home on Lockwood Rd. Still monitoring the Walker property.
Bill stated his pleasure working with Dick Shreve.

Road Commissioner

Steve Sabol reported seeding was completed for a flower garden on Red Mill Rd. Steve stated he was in contact with road striping company, may not make it to the village before the weather turns so will get road striping done in the spring.
Steve thanked Dick Shreve for his support.

Council Comments

Dick Shreve thanked everyone for allowing him to serve the village.
Larry Reichard presented council with information on rental property in the village.

Larry Reichard thanked Dick Shreve for his service and support.

Maureen Callahan thanked Dick Shreve for support.

Mike Cutler thanked Dick Shreve for years of service and support.

Mike Cutler stated he would like to see the audio portion of council meeting minutes on the website; will research and have more information at later date.

Mike Cutler asked if Kevin Michael HOA is looking for the Village to pay for the second pond clean out or for a loan from the Village and pay back.

Ed Forro stated they are looking for options and possibilities. Could the Village pick up the tap for the second pond or if it's a matter of picking it up for now while they work out something that they can continue to operate for HOA expenses and pay the Village back.

Mike Cutler asked Joe Gurley if there was a legal way to grant the HOA money.

Joe Gurley stated the Village can give money but they cannot loan money. He will have to research and see what he can suggest.

Mike Cutler stated he doesn't think it's appropriate for the village to pay for the pond, but understands the situation. So if there is a way to facilitate it and not cost the village money but help the HOA through, council would be willing to listen.

Larry Klco thanked Dick Shreve for his service.

Old Business:

ORDINANCE NO. 15-XX

**ORDINANCE AMENDING SECTION
1101.02(125) OF THE CODIFIED
ORDINANCES OF THE VILLAGE OF
NORTH PERRY**

1st Reading 3-5-2015

2nd Reading 4-2-2015

Tabled 5-7-2015 by Reichard

ORDINANCE NO. 15-XX

**ORDINANCE AMENDING SECTION 1106.03
OF THE CODIFIED ORDINANCES OF
NORTH PERRY VILLAGE**

1st Reading 5-7-2015

2nd Reading 6-4-2015

Tabled 7-2-2015 by Reichard

Motion by Reichard, second by Cutler to remove from table. Council members Callahan, Cutler, L. Klco, Reichard and Shreve vote for the motion.

Motion by Reichard, second by Cutler to modify the legislation by inserting (d) Rental after (a) (5) Churches. Council members Callahan, Cutler, L. Klco, Reichard and Shreve vote for the motion.

ORDINANCE NO. 15-XX

**ORDINANCE AMENDING SECTION 1106.02
(P-2, PARK LAND) OF THE CODIFIED
ORDINANCES OF THE VILLAGE OF
NORTH PERRY, OHIO TO ALLOW RENTAL
OF RESIDENTIAL PROPERTY LOCATED
ON VILLAGE PARK LAND.**

1st Reading 6-4-2015

2nd Reading 7-2-2015

Tabled on 8-6-2015 by Cutler, second by Reichard.

Motion by Cutler, second by L. Klco to remove from table. Council members Callahan, Cutler, L. Klco, Reichard and Shreve vote for the motion.

Dick Shreve commented that it's the job of council to look at the best welfare of the village and finances. That house was always safe, it's in a residential area, and he is in favor of renting the house.

Larry Klco stated he agrees with Dick. He believes it's an asset for our village and it's no different than any other residential home in our village. If at any time there are concerns, we can stop renting it.

Joe Gurley stated when an individual rents a property, it's not the same as when a governmental entity rents a property. When an individual rents a property the parameters for whom that person can rent to is dictated by how they go about renting the property. If they rent by merely putting up a sign, then they have more liberty to determine whom they want to rent to. If they put an ad in the local newspaper, they have now entered a stream of commerce and now they have civil rights issues and discretionary call is significantly more limited. Without doing the research Mr. Gurley would surmise that as a governmental entity renting the property, the degree of discretion in terms of who you can rent to is limited to practical things like pets, no pet, smoking, nonsmoking. If someone shows up and you don't have a good feeling about them, that would not be a reason for you not to rent to them. You cannot use discrimination to preclude them from renting the property. This is a fairly complex matter, I don't want council to think they can rent to whoever they want to and that's it.

Maureen Callahan stated that tonight they are voting on the zoning issue, so if we were to vote yes they are in favor of the zoning change, we don't have to rent it, it's an option.

Motion by Reichard, second by L. Klco to table the legislation. Council members Callahan, Cutler, L. Klco, Reichard and Shreve vote for the motion.

RESOLUTION NO. R15-23

RESOLUTION PROHIBITING THE USE OF VILLAGE FUNDS FOR THE REIMBURSEMENT OF COSTS TO THOSE REPAIRING OR REPLACING WATER LINES ON PRIVATE PROPERTY WITHIN THE VILLAGE

1st Reading 9-3-2015

2nd Reading 10-1-2015

3rd Reading 11-5-2015

Motion by Cutler, second by Reichard to adopt.

Council members Callahan, Cutler, L. Klco, Reichard, Shreve and Siegel voted in favor of the resolution.

ORDINANCE NO. 15-XX

ORDINANCE ADOPTING FARMLAND PRESERVATION PROGRAM GUIDELINES AND SELECTION CONSIDERATIONS

1st Reading 10-1-2015

2nd Reading 11-5-2015

Mike Cutler stated he would like to amend Exhibit A number 7, change "could be" to "shall be".

Motion by Cutler, second by Reichard to amend Exhibit A of the legislation to read shall be instead of could be in item 7.

RESOLUTION NO. R15-XX

A RESOLUTION AUTHORIZING THE APPOINTMENT OF STEVE SABOL AS THE ROAD COMMISSIONER FOR THE VILLAGE OF NORTH PERRY FOR THE YEAR 2016, COMMENCING JANUARY 1, 2016, AT AN ANNUAL SALARY OF ONE THOUSAND ONE AND 00/100 DOLLARS (\$1,001)

1st Reading 10-1-2015

2nd Reading 11-5-2015

RESOLUTION NO R15-XX

A RESOLUTION APPROVING THE TEMPORARY APPROPRIATIONS FOR CALENDAR YEAR 2016

**1st Reading 10-1-2015
2nd Reading 11-5-2015**

RESOLUTION NO. R15-XX

A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH CT CONSULTANTS, INC. TO PROVIDE ENGINEERING SERVICES FOR THE VILLAGE PURSUANT TO THE SAME OR SUBSTANTIALLY SAME CONDITIONS AS SET FORTH IN THE CURRENT AGREEMENT BETWEEN THE VILLAGE OF NORTH PERRY, OHIO AND CT CONSULTANTS, INC., ENGINEERS, ARCHITECTS, AND PLANNERS, FOR ENGINEERING AND SURVEYING SERVICES FOR CALENDAR YEAR 2016

**1st Reading 10-1-2015
2nd Reading 11-5-2015**

ORDINANCE NO. 15-XX

AN ORDINANCE AUTHORIZING THE TRANSFER OF ANNUAL INCOME TAX RECEIPTS TO THE VILLAGE FOR 2016 AND DISTRIBUTED AS FOLLOWS: 80% GENERAL FUND; 10% STREET CONSTRUCTION MAINTENANCE AND REPAIRS, AND 10% CAPITAL PROJECTS FUND

**1st Reading 10-1-2015
2nd Reading 11-5-2015**

New Business:

ORDINANCE NO. 15-XX

AN ORDINANCE ENACTING CHAPTER 173 OF THE CODIFIED ORDINANCES OF THE VILLAGE OF NORTH PERRY REGARDING MUNICIPAL INCOME TAX

1st Reading 11-5-2015

RESOLUTION NO. R15-XX

RESOLUTION DECLARING CERTAIN REAL ESTATE OWNED BY THE VILLAGE AS NO LONGER NEEDED FOR MUNICIPAL PURPOSES

1st Reading 11-5-2015

RESOLUTION NO. R15-XX

RESOLUTION AUTHORIZING THE MAYOR, WHENEVER HE DETERMINES IT NECESSARY IN ORDER TO ACHIEVE MAXIMUM VALUE FOR SAID REAL

ESTATE, TO MERGE, SURVEY, AND HAVE APPRAISED THOSE PROPERTIES IDENTIFIED IN RESOLUTION NUMBER _____, AT A COST NOT TO EXCEED \$ _____, AND FOR THE FISCAL OFFICER TO ENCUMBER AND EXPEND AN AMOUNT UP TO \$ _____ FOR SAME.

1st Reading 11-5-2015

RESOLUTION NO. R15-XX RESOLUTION AUTHORIZING THE MAYOR TO OFFER FOR SALE BY THE COMPETITIVE BID PROCESS REQUIRED BY LAW, THE REAL ESTATE IDENTIFIED IN RESOLUTION _____.

1st Reading 11-5-2015

Mayor Klco reported three residents expressed interest in serving on the BZA: Lee Zinn, Bill Kanda and Julie Ridenour. Maureen Callahan requested we get a short form for prospective members as to why they are interested and any background.

Open to Audience:

Michelle Cicero asked for clarification on the amount paid to CT Consultants in October for the Walker property. Bill Baker of CT Consultants stated that amount was not just for the Walker property, it included other work and also CT’s monthly retainer. Bill Barrett questioned an easement on one the properties the village is looking to sell. Larry Reichard stated that parcel has been removed from the list to sell.

Motion by Callahan, second by L. Klco to approve the minutes of October 15, 2015 Council Work Session. Council members Callahan, Cutler, L. Klco, Reichard, Shreve and Siegel voted in favor of the motion.

Motion by Cutler, second by Reichard to go into executive session to discuss possible litigation and personnel compensation. Council members voted 6-0 in favor of the motion.

Executive session commenced at 8:43 p.m.

Motion by L. Klco, second by Callahan to come out of executive session. Council members voted 6-0 in favor of the motion.

Executive session ended at 9:55 p.m.

Motion by Callahan, second by Reichard to adjourn. Council voted 6-0 in favor. Meeting adjourned at 9:57 P.M.

Minutes Approved: December 3, 2015

Finance Director

Mayor

Motion by Callahan, second by Reichard to approve. Council members Callahan, Cutler, L. Klco and Reichard voted in favor of the motion.