



Council Meeting – Council Chambers
April 15, 2015 – 7:30 pm
Mayor Mark A. Cegelka presiding

The Mayor, Mark A. Cegelka called the meeting to order at 7:30 p.m. and all present said the Pledge of Allegiance.

Present: Jeffrey Adie, Don Banas, Barbara DiBacco, Eric Johnson, Gurvis Smith, Larry Sylver

Others Present: Law Director Dave Matty, Finance Director John Veres, Engineer Mike Henry, Clerk of Council Lori Pepera

Guests: Joseph Kulis

PUBLIC HEARING TO CONSIDER THE APPLICATION OF JOSEPH KULIS FOR PLACEMENT OF FARMLAND IN AN AGRICULTURAL DISTRICT:

- See attached minutes front he Public Hearing

APPROVAL OF MINUTES

The minutes of the Regular Council Meeting of April 1, 2015 were approved as presented. (Johnson/Smith)

Roll Call: Yeas - Adie, Banas, DiBacco, Johnson, Smith, Sylver
Nays - None

6 yeas – 0 nays
Motion Carried

PAY ORDINANCE

Ordinance No. 2015-4-18

The Pay Ordinance was approved as presented. (Sylver/Banas)

Roll Call: Yeas –Adie, DiBacco, Johnson, Smith, Sylver
Nays – None

6 yeas – 0 nays
Motion carried

CORRESPONDENCE & MAYOR’S REPORT:

The following were attached in the Mayor’s packet:

- A copy of the monthly Building Department activity for March 2015. The report gives details of all permit activity and inspections performed.
- A copy of the invoice and activity report from A & S Animal Control for the month of March 2015.
- A copy of the Oakwood Fire Department incident and response report for the month of March supplied by Chief Schade.

- A copy of a report from Court Community Service. 17 bags of litter were collected on April 12, 2015 along Pettibone Road, Cochran Road, Emerald Valley, Diamond Parkway, Victory Parkway and Tinkers Court through their Litter Collection Program.
- A memo from Engineer Mike Henry reporting that two bids were received for the Asphalt Repair Program. The two bids received both exceeded the Engineer's estimate by more than 10%. It is the recommendation of Mike Henry to reject the bids and rebid the project.

NEW BUSINESS:

Jeff Adie asked if approval of Ordinance 2015-4-31 is made, does the Village have the right to inspect the property every one or two years.

Don Banas expressed concerns that if Council proceeds with approval, should other sections of the Codified Ordinances be looked at to be certain that agricultural property will not become a nuisance. For example, there are no limitations at the present time to raise a herd of horses if Joe decides to do so. He is also concerned that if the agricultural tax rate is lower than the residential rate and it is applied to Joe's primary residence, then why should other residents in the area pay a higher tax rate.

Dave replied if property becomes a condition where other sections of our code are affected, then yes, the Village can step in.

It was decided by Council to put Resolution Nos. 2015-4-31 and 215-4-32 on first reading.

<p>2015-4-31 Resolution</p>	<p>A Resolution No. 2015-04-31 approving with modification an application for placement of farmland in an agricultural district made by Joe Kulis for permanent parcel numbers 991-05-004 and 991-05-005 and 991-05-020 located on Richmond Road and 991-05-021 located on Mello Drive and 991-06-018 located at 27975 Pergl Road in the Village of Glenwillow, and declaring an emergency. (Mayor & Council)</p> <ul style="list-style-type: none"> • Resolution put on first reading
<p>2015-4-32 Resolution</p>	<p>A Resolution rejecting an application for placement of farmland in an agricultural district made by Joe Kulis for permanent parcel numbers 991-05-004 and 991-05-005 and 991-05-020 located on Richmond Road and 991-05-021 located on Mello Drive and 991-06-018 located at 27975 Pergl Road in the Village of Glenwillow and declaring an emergency. (Mayor & Council)</p> <ul style="list-style-type: none"> • Resolution put on first reading

<p>2015-4-19 Ordinance</p>	<p>An Ordinance amending Ordinance No. 2015-01-04 and the appropriations for the year ending December 30, 2015, and declaring an emergency. (Mayor & Council)</p> <ul style="list-style-type: none"> • Motion to suspend 3 reading rule (Johnson/DiBacco) Roll Call: Yeas—Adie, Banas, DiBacco, Johnson, Smith, Sylver Nays—None 6 yeas – 0 nays Motion carried • Motion to approve (Adie/Sylver) Roll Call: Yeas— Adie, Banas, DiBacco, Johnson, Smith, Sylver Nays—None 6 yeas – 0 nays Ordinance carried
<p>2015-4-33 Resolution</p>	<p>A Resolution accepting the bid of TC Construction Company, Inc. for the 2015 Concrete Repair Program and declaring an emergency. and declaring an emergency. (Mayor & Council)</p> <ul style="list-style-type: none"> • Motion to suspend 3 reading rule (Banas/Smith) Roll Call: Yeas—Adie, Banas, DiBacco, Johnson, Smith, Sylver Nays—None 6 yeas – 0 nays Motion carried • Motion to approve (Adie/DiBacco) Roll Call: Yeas— Adie, Banas, DiBacco, Johnson, Smith, Sylver Nays—None 6 yeas – 0 nays Resolution carried

Engineer Mike Henry explained the bids for the Asphalt Program all came in 10% over the Engineers estimate and requested to reject the bids and rebid the project.

Motion by Don Banas seconded by Gurvis Smith to reject all bids for the 2015 Asphalt Repair Program.

**Roll Call: Yeas—Adie, Banas, DiBacco, Johnson, Smith, Sylver
Nays—None**

**6 yeas – 0 nays
Motion carried**

Motion by Eric Johnson seconded by Larry Sylver to advertise and rebid for the 2015 asphalt Repair Program.

**Roll Call: Yeas—Adie, Banas, DiBacco, Johnson, Smith, Sylver
Nays—None**

**6 yeas – 0 nays
Motion carried**

Councilman Adie scheduled a Personnel Meeting May 6, 2015 at 6:30 p.m.
Councilman Sylver scheduled a Recreation Meeting May 6, 2015 at 7:00 p.m.

Councilman Sylver reported the following items were discussed at the Recreation Meeting held this evening;

- Barb DiBacco made up gift baskets for the 5 and under prizes to give away at the summer concerts.
- A check was received from Republic Services in the amount of \$800.00 for sponsorship of a band.
- Three rain dates were decided on-8/30, 9/13/ & 9/20.
- Additional 8 1/2 x 11 brochures will be printed up to hang at various establishments announcing our concerts.
- Information for the brochures is still being gathered.
- Ads will be placed in local papers for notification of the concerts.

Councilman Smith scheduled a Building/Housing Meeting June 3, 2015 at 5:50 p.m.

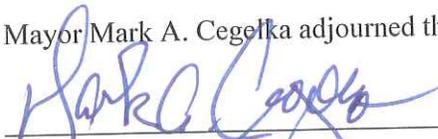
Councilman Banas asked if the Service Department is still looking for summer help. Mayor Cegelka stated Sam is still accepting applications.

Councilman Sylver reported he will be in touch with Joe Biaglow of Greenfields Environmental to go over renewal of the geese contract for 2015-2016.

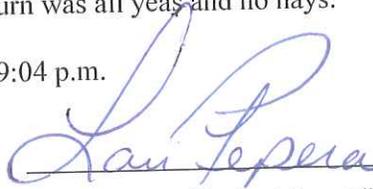
CITIZEN PARTICIPATION:

There being no further business to come before Council, motion by Jeff Adie, seconded by Gurvis Smith to adjourn the meeting. Vote on the motion to adjourn was all yeas and no nays.

Mayor Mark A. Cegelka adjourned the meeting at 9:04 p.m.



Mark A. Cegelka – Mayor & President of Council



Lori Pepera, Clerk of Council

VILLAGE OF GLENWILLOW
MINUTES OF PUBLIC HEARING
April 15, 2015

Minutes of a Public Hearing held at the Village of Glenwillow on April 15, 2015 for the purpose of discussing the application of Joseph Kulis for placement of farmland in an agricultural district: Permanent Parcel Nos. 991-05-004, 991-05-005, 991-05-020 Richmond Road, 991-05-021 Mello Drive, 991-06-018 27975 Pergl Road consisting of approximately 35 acres in the Village of Glenwillow.

Present: Mayor Cegelka, Council members: Jeff Adie, Don Banas, Barbara DiBacco, Eric Johnson, Gurvis Smith, Larry Sylver

Others Present: Law Director Dave Matty, Finance Director John Veres, Engineer Mike Henry, Clerk of Council Lori Pepera and Joseph Kulis

Mayor Cegelka opened the Public Hearing at 7:30 pm. Law Director Dave Matty reported the Village has received an application for placement of farmland in an agricultural district made by Joe Kulis for permanent parcel numbers 991-05-004 and 991-05-005 and 991-05-020 located on Richmond Road and 991-05-021 located on Mello Drive and 991-06-018 located at 27975 Pergl Road in the Village of Glenwillow. The application has been approved by Cuyahoga County. The second part of the application process under ORC chapter 929 requires Council to conduct a public hearing on the application 30 days after the application has been filed. Within 30 days of the hearing, Council may approve, modify or reject the application. On the agenda this evening is a Resolution to accept and a Resolution to reject depending upon Council's decision tonight. Joseph Kulis explained he applied for a Current Agricultural Use Value (CAUV). CAUV is a differential real estate tax assessment program which affords owners of farmland the opportunity to have their parcels taxed according to their value in agriculture, rather than full market value. Joe owns approximately 35 acres and stated he is not going to build on and wants the land to stay exactly as it is. When making the application, someone from the County came out to view the property and was told he qualifies. Joe currently raises chickens, has approximately 137 apple trees, is planting more trees, cuts the dead trees on the property for the purposes of firewood, and plants crops of clover and corn. He is also applying for a stewardship for the trees. This would be a 10 year plan that allows somebody to come out and look at the trees on the property and decide what the best thing to do with them. Joe did have somebody out last summer to look at the trees currently there. There are 27 different types of trees on his property now. Dave Matty questioned the two parcels listed in the application that have two separate homes on them and asked Joe if one of the houses are his and if he lives in one. Joe stated they are both his and he utilizes both of them. The Pergl Road home, he acquired 2 years ago, is his residence and the Mello Drive home, he acquired 6 years ago, he works out of. He sells a fishing line and in the past some taxidermy work. Dave asked what the agricultural production is on the two parcels that contain the homes. Joe responded; the Pergl Road parcel has chickens and firewood sales and the Mello Drive parcel is used for storage of the tractors for agricultural use along with apple trees. Dave Matty questioned what agricultural use is on the two larger parcels. Joe responded; he grows and sells clover and has several apple trees on these two parcels.

Dave Matty questioned Joe if he is aware of the storm water regulations the Village has. Engineer Mike Henry explained any time land is disturbed the storm water prevention plan goes into effect. Joe stated

he took care of any issues 6 years ago with two culverts and permission from the Army Core of Engineers. Dave Matty asked Joe if he is aware of any time any person is hauling soil, asphalt, and stone or constructing a building whether in an agricultural district or not, permits still need to be pulled. Joe stated he is well aware and has gotten the proper permits in the past and will continue to do so. Dave Matty asked Joe if he has an average gross income that he has produced in the last 3 years from the property. Joe stated the rules say if the property is less than 10 acres your gross income must be at least \$2,500 and he was told he qualifies. The Law Director requested Joe get the information and give it to the Clerk of Council. It will be the determination of Council whether all parcels in question qualify.

Dave Matty asked for a description of what is occurring on each of the 5 parcels listed on the application and the percentage of land used on each of these parcels.

Joe gave the following information on each parcel:

991-05-004-Richmond Road: largest of the parcels, used for timber and planting clover

990-05-005-Richmond Road: second largest parcel, used for timber and planting clover

991-05-020-Richmond Road: storage and apple trees

991-05-021-Mello Drive: storage and apple trees (only used for two years)

991-06-018-27975 Pergl Road: storage and chickens

Discussion took place that every 5 years the County comes to re-inspect the property to make sure it remains used for agricultural use. Dave Matty stated the Ordinance was drafted up so if agricultural use ceases Council would have the right to revoke the consent.

Mike Henry asked if there will be a conservation easement on the property. Joe stated eventually he would like to turn the land over to the conservancy and have them take it over. Mike asked Joe if he would be harvesting wood off of the property. Joe replied yes he would but only dead trees and trees that are detrimental such as Buckthorn and Choke Cherry. He expressed he wants the property to stay exactly as it is and the forestry program works in conjunction with CAUV.

Jeff Adie asked if there is a minimum amount of income that must be made or does it depend on acreage. Dave explained at least \$2,500 must be raised for less than 10 acres. If there is more than 10 acres the rule does not pertain.

Jeff asked if a certain amount of money is generated is it recorded with a certain agency. Dave explained it is reported to the CUVA if it is less than 10 acres. Dave also explained he has concern whether prior use and existing use with some of the parcels looking more residential in nature and questioned the agricultural use of these.

Joe explained there is tax break, therefore the County does come out every five years to re-inspect. Jeff asked whether or not the Village could add a provision to the Resolution, if passed, that the Village has the right to inspect the property. Dave Matty said a provision could be added.

Don Banas asked if anyone ever checks on the condition of the chickens. Joe stated the chickens are not inspected by anyone. Don asked if the property can be used to raise other animals. Dave explained that other animals can be raised on the land and if the land is transferred to a new owner it would transfer as is. Don asked Joe if the reason he is applying for this is solely for a tax reduction. Joe stated there is a tax break but he also wants to keep the land exactly as it is. He would like to see it as part of the conservancy one day.

Barb DiBacco stated she was concerned about the home on Mello Drive being vacant and used for storage. She is concerned an animal or children could get into it and from real estate stand point doesn't like to see it vacant. Joe stated he is in the home every day.

Dave Matty stated his concern is the use of storage issue at the two parcels on Mello Drive. This does not meet the statute. Chapter 929.018 does not define storage of the implements used but storage for agricultural products, such as a silo to store the products used on the property.

Eric Johnson asked if a forester will be coming out. Joe stated he has applied for a Forestry Stewardship. The Forester will come out to walk the entire property, checks all of the trees and will advise on how to take care of the trees.

Jeff Adie asked if the two parcels on Mello Drive do not qualify, is it possible for Joe to reapply and if the school system has any input on the issue since the taxes would be lowered and they would lose money. Dave Matty explained Joe can reapply after the requirements are met and the schools do not have any statute on the issue.

Barb DiBacco stated her concern that if something were to happen to Joe that the homes would become in disarray. Joe stated he would like to turn the land over to a conservancy. Don Banas explained that Tinkers Valley has a conservancy. The land still has to be insured, taxes paid and land maintained.

Mike Henry asked Joe if he plans on consolidating any of the parcels. Joe stated he does not plan on consolidating any of the parcels. He had inquired about it due to the taxes being almost 4 times what they should be on the 8 acre parcel. He learned that joining them together would not affect the taxes.

Dave Matty commented on code section 1135.02C permits agriculture as a main use only if the person conducting the agriculture use resides in the main residential building. He confirmed with Joe that the Pergl Road residence is his main residence.

Resident Jerald Hoover commended Joe for trying to conserve the property and keep green space.

Dave Matty explained to Council that they can accept one of the 2 Resolutions on the agenda this evening and decide or they can deliberate between now and the next Council meeting and decide then or hold a special meeting and make a decision.

The Public Hearing was adjourned at 8:40 p.m.