

**MINUTES
ORANGE VILLAGE COUNCIL
SPECIAL COUNCIL MEETING
DECEMBER 6, 2023
7:45 PM**

PUBLIC HEARING

7:45 P.M.

The purpose of the hearing is to consider Ordinance No. 2023-16. This Ordinance, if enacted and confirmed by a majority vote of the Orange Village electors at an election to be held on March 19, 2024, would enact zoning regulations for a new "Orange Place South Planned Development District" and rezone property into that district.

Council President Kurland opened the public hearing concerning Ordinance No. 2023-16 at 7:45 p.m.

Gary Biales, Vitalia – presented this information to the Planning and Zoning Commission and Council. Mr. Biales explained the project (active adult/independent living). Solon is independent and memory care. There will be many factors for the planned project. They are working around the wetlands. Tonight council is voting on allowing the rezoning to be placed on the ballot for voters in March 2024.

Charles Maimbourg, 28499 Jackson Rd. - asked what the property is currently zoned. Mayor Mulcahy stated it is currently residential

Tom Lowenkamp, 3850 Beechmont Oval – inquired if the zoning passes and the project does not go through can anyone come and build something on the property. The answer was yes.

Jeremy Caldwell, 28899 Harvard Road – expressed concern on the impact on the safety forces and EMS services. Will there be an independent study to find out what impact this project will have on the community? Mayor Mulcahy stated that every department will weigh in on the project.

Livingwellcollection.com is the website.

Council President Kurland closed the public hearing to concerning Ordinance 2023-16 at 7:54 p.m.

1. Council President Amanda Kurland call the Special Council Meeting of December 6, 2023 to order at 7:54 p.m.
2. Pledge of Allegiance
3. Roll call

Members Present:	Silver, Perry, Bilsky, Kline, Vincent, Duber, Kurland
Members Absent:	
Others Present:	Kathy U. Mulcahy, Mayor Steve Byron, Law Director Dana Kavander, Treasurer Mike Roberts, Police Lieutenant Larry Genova, Assistant Fire Chief Robert Zupan, Service Director Anna Girardi, Council Clerk

4. A Motion to appoint Scott Lewis to the Planning and Zoning Commission for a 3 year term ending December 31, 2026 was made by Mrs. Kurland seconded by Mrs. Vincent.

Ayes: Silver, Perry, Bilsky, Kline, Vincent, Duber, Kurland
Nays: None

Mayor Mulcahy will administer the Oath of Office to Mr. Lewis at the next Planning and Zoning meeting.

5. A Motion to confirm the appointment of Vincent Zurlo as a part-time Firefighter/Paramedic was made by Mrs. Kurland seconded by Mr. Duber.

Assistant Chief Genova provided Vincent Zurlo's background.

Ayes: Silver, Perry, Bilsky, Kline, Vincent, Duber, Kurland
Nays: None

Mayor Mulcahy administered the Oath of Office to Vincent Zurlo.

6. A Motion to confirm the appointment of Emily Ghobryal as a part-time Firefighter/Paramedic was made by Mrs. Kurland seconded by Mr. Kline.

Assistant Chief Genova provided Emily Ghobryal's background.

Ayes: Silver, Perry, Bilsky, Kline, Vincent, Duber, Kurland
Nays: None

Mayor Mulcahy administered the Oath of Office to Emily Ghobryal.

7. A Motion to approve the Special Council Meeting Minutes of November 1, 2023 was made by Mrs. Kurland seconded by Mr. Kline.

Ayes: Silver, Perry, Bilsky, Kline, Vincent, Duber, Kurland
Nays: None

8. A Motion to approve the Council Meeting Minutes of November 8, 2023 was made by Mrs. Kurland seconded by Mrs. Vincent.

There were two changes to the minutes, #10 Mrs. Vincent was Mr. and Mr. Kline's comments did not include that he congratulated Phil Madden and Kim Ullner. These changes have been made.

Ayes: Perry, Bilsky, Kline, Vincent, Duber, Kurland
Abstain: Silver
Nays: None

9. A Motion to approve the Treasurer's Reports for October, 2023 was made by Mrs. Kurland seconded by Mr. Duber.

Mrs. Kavander explained the Treasurer's Report.

Ayes: Silver Perry, Bilsky, Kline, Vincent, Duber, Kurland
Nays: None

10. A Motion to approve the Tax Administrator's Reports for October, 2023 was made by Mrs. Kurland seconded by Mr. Kline.

Mrs. Kavander explained the Tax Administrator's Report.

Ayes: Silver, Perry, Bilsky, Kline, Vincent, Duber, Kurland
Nays: None

11. Discussion regarding Orange Village's approach to the legalization of marijuana in Ohio
Mr. Kline stated that he brought this up to the law director and requested a moratorium until we can see what happens in other communities. He would like the moratorium for 5 years. Mrs. Kurland stated that 5 years is a long time. Mayor Mulcahy stated 5 years seems like a ban instead of a moratorium. Discussion on the time frame of the moratorium ensued.

Mr. Zupan requested that council please look into rules and regulations in the park including marijuana.

A Motion to direct the Law Director to draft legislation for a one-year moratorium for a recreational marijuana facility in Orange Village was made by Mrs. Kurland seconded by Mr. Silver.

Ayes: Silver, Perry, Bilsky, Kline, Vincent, Kurland
Nays: Duber

12. Audience comments relating to agenda items only –
Norman Singer – 30149 Harvard Road
Mr. Singer brought Mayor Mulcahy up to the podium and explained that he appointed Mayor Mulcahy as the Tax Administrator 39 ½ years ago when he was Mayor. She subsequently led to her becoming Mayor of Orange Village..

13. Old Business of Pending Legislation and Motions

A. ORDINANCE 2023-16 (AS AMENDED)

AN ORDINANCE ENACTING THE ORANGE PLACE SOUTH PLANNED DEVELOPMENT DISTRICT (OPS-PDD) REGULATIONS AND REZONING CERTAIN PARCELS OF LAND TO THE OPS-PDD, AMENDING THE VILLAGE ZONING MAP AND MAP DESIGNATIONS, SUBMITTING THE PROPOSED ZONING CHANGES TO THE VOTERS OF ORANGE VILLAGE, AND DECLARING AN EMERGENCY. 3rd Reading

A Motion for passage of Ordinance 2023-16 (As Amended) was made by Mrs. Kurland seconded by Mr. Kline.

Mr. Duber has an issue with the commercial aspect of this project. He likes the residential but the one issue is the hotels and the types of restaurants. He will be voting no on this project. He foresees a problem when you change the zoning you cannot undo it. He does not feel there will be enough safety forces to fulfill the project and it does not have a clear plan.

Mrs. Perry stated that Mr. Duber has a good point and we worked very hard to make sure restaurants/hotels are set up to a higher standard.

Discussion ensued concerning the vote for the rezoning. Mr. Kline stated that the zoning includes a commercial aspect of this project due to economics.

Mr. Biales stated we have worked on this for months and it is 30 pages of text. He is not 100% sure they will be building a hotel but it is in there in case it is needed. Mr. Kline stated that items can be identified in the Development Agreement but may not be in the zoning.

Mr. Duber is fine with this if they can remove the hotel aspect. This can be amended to remove the hotel aspect. He feels we are not forward thinking on this Ordinance and what the project will be.

Mr. Byron stated this is the change of the district. They are not voting on the text of the document.

Mr. Singer, 30149 Harvard Rd, wanted to know why the project has retail. Is it too hasty?

Tom Lowenkamp, 3850 Beechmont Oval - asked how will the voters know what they are proposing so the voters know what they are voting for including hotels and restaurants?

Jeremy Caldwell, 2899 Harvard Rd – he agrees with Mr. Duber but is there an ability for voters to make the deal work.

Mr. Biales stated that they prefer not to remove the hotels they are willing to do so

A Motion to amend the Ordinance to remove the hotel aspect from the Ordinance was made by Mrs. Kurland seconded by Mr. Bilsky.

Ayes:	Silver, Perry, Bilsky, Kline, Vincent, Kurland
Nays:	Duber

B. ORDINANCE 2023-18

AN ORDINANCE REPEALING CHAPTER 149, REWARD FUNDS, OF THE
CODIFIED ORDINANCES OF ORANGE VILLAGE. 3rd Reading

A Motion for passage of Ordinance 2023-18 was made by Mrs. Kurland seconded by Mrs. Perry.

Ayes:	Silver, Perry, Bilsky, Kline, Vincent, Duber, Kurland
Nays:	None

C. ORDINANCE 2023-23

AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH
STEPHEN L. BYRON AND SINGERMAN, MILLS, DESBERG & KAUNTZ, CO. L.P.A., FOR
LEGAL SERVICES BEGINNING JANUARY 1, 2024, AND ENDING DECEMBER 31, 2024,
CONFIRMING THE APPOINTMENT OF STEPHEN L. BYRON AS LAW DIRECTOR, AND
DECLARING AN EMERGENCY. 2nd Reading

D. ORDINANCE 2023-24

AN ORDINANCE APPOINTING BLAIR N. MELLING AS THE PROSECUTOR
OF ORANGE VILLAGE, PROVIDING COMPENSATION FOR THE
PROSECUTOR, AND DECLARING AN EMERGENCY. 2nd Reading

14. New Business and Consideration of:

A. ORDINANCE 2023-25

AN ORDINANCE APPROVING AND CONFIRMING THE APPOINTMENT OF STEPHEN HOVANCSEK & ASSOCIATES, INC., AS ORANGE VILLAGE ENGINEER AND REPEALING CERTAIN ORDINANCES, AND DECLARING AN EMERGENCY. 1st Reading

B. ORDINANCE 2023-26

AN ORDINANCE AMENDING THE ANNUAL APPROPRIATIONS FOR CURRENT EXPENSES AND OTHER EXPENDITURES OF ORANGE VILLAGE DURING THE CALENDAR YEAR ENDING DECEMBER 31, 2023. 1st Reading

Administration requests suspension of the rules

A Motion to suspend the rules for Ordinance 2023-26 was made by Mrs. Kurland seconded by Mrs. Vincent.

Ayes: Silver, Perry, Bilsky, Kline, Vincent, Duber, Kurland
Nays: None

A Motion for passage of Ordinance 2023-26 was made by Mrs. Kurland seconded by Mr. Kline.

Mrs. Kavander stated this is the final adjustment for the year

Ayes: Silver, Perry, Bilsky, Kline, Vincent, Duber, Kurland
Nays: None

C. ORDINANCE 2023-27

AN ORDINANCE TO MAKE ANNUAL APPROPRIATIONS FOR CURRENT EXPENSES AND OTHER EXPENDITURES OF ORANGE VILLAGE DURING THE CALENDAR 2024. 1st Reading

Administration requests suspension of the rules

A Motion to suspend the rules for Ordinance 2023-27 was made by Mrs. Kurland seconded by Mrs. Perry.

Ayes: Silver, Perry, Bilsky, Kline, Vincent, Duber, Kurland
Nays: None

A Motion for passage of Ordinance 2023-27 was made by Mrs. Kurland seconded by Mr. Kline.

Mrs. Kavander explained this is an Ordinance for the 2024 budget. Mrs. Perry stated the finance committee recommended passage of this Ordinance.

Ayes: Silver, Perry, Bilsky, Kline, Vincent, Duber, Kurland
Nays: None

15. Audience comments relating to matters which advance the good of the Village – no audience comments

16. Comments by the Mayor

- There are still a couple openings for the Santa Delivery but we have several openings for the Hanukkah delivery. Tomorrow is the last day to sign up, forms can be found on our website.
- Paper Shredding is Friday, December 15 from 9 am until noon AT PEPPER PIKE City Hall, 28000 Shaker Boulevard
- The 2024 Calendars and 2023 Coupon Books have been delivered to every home. Please contact someone at Village Hall if you did not receive them at 440-498-4400. Don't forget to sign up for the Pinecrest raffles that are for Orange Village residents only. Also, the coupons expire on December 31st.
- Happy Hanukkah to all

17. Comments by the Council President

- Courtyard Hotel had 151 hang up phone calls to 9-1-1. The police have to go these calls. We have contacted them numerous times. This is excessive and we need to make sure they are aware of the billings for these calls.
- Wish everyone a Happy Hanukkah

18. Committee Reports and Comments by Council Members

Duber

- Commented on how nice the lights look.
- April 8, 2024 – Cleveland is in the path of the eclipse and suggested Orange Village purchase glasses for the residents

Silver

- First snow storm, did not leave the house but heard the Service Department did a great job
- Council Meeting time changes
 - o Asked if everyone is on board with that
 - o A Motion to direct the Law Director to change the council meeting start times to 7:00 pm was made by Mr. Silver seconded by Mrs. Perry

Ayes: Silver, Perry, Bilsky, Kline, Vincent, Duber, Kurland

Nays: None

- During Election Day – residents stated they felt ambushed or intimidated with candidates and parking was minimal due to the candidates parking their vehicles closest to the door. He asked candidates to please be aware

Perry

- Finance Committee acknowledged Mayor Mulcahy and her commitment to the Village and committee

Bilsky

- No Comments

Kline

- Planning and Zoning Meeting update
- Resigning from Council effective December 31, 2023
 - o Read a statement concerning Council appointment
 - Mr. Duber stated in the past, the Council President determined this decision on dates/times for advertising

Vincent

- Holiday Season – many residents are starring in productions in the area – support them
- Noteoriety – performance is 7:00 p.m. next Thursday
- Thanked the Police for their vigilance in protecting our community from anti-Semitism and keeping the Jewish population safe
- Thanked everyone that donated to the Shop with the Cop especially the Lander Circle Kiwanis that made a very generous donation

- 9 children will be able to participate
- Orange for the Holidays
 - \$1000 raffle is up for grabs
 - Thanked Anna and Jessi for their assistance
- Orange Veterans Wall
 - Thanked John Sangdahl and his committee for everything they did for the Veterans Wall and everyone that included veterans for the wall
- Proclamations for Mayor Mulcahy
 - United States Senate and the Whitehouse
- Thanked Mayor for the “zest” she brings to Orange
- Happy Hanukkah

19. Adjournment of the Special Council Meeting of December 6, 2023

Council President Kurland adjourned the Special Council Meeting of December 6 2023 at 9:28 p.m.


Annamarie Girardi
Council Clerk


Brent Silver
Council President Pro-Tem