

**MINUTES  
ORANGE VILLAGE COUNCIL  
SPECIAL COUNCIL MEETING  
AUGUST 1, 2024  
7:00 PM**

**PUBLIC HEARING  
7:00 P.M.**

To consider Ordinance No. 2024-10, which proposes to rezone certain parcels of land, located at and adjacent to 4799 Lander Road (the former New Song Church Property) from the U-1 Zoning District to the S-1 Zoning District and to amend the Village Zoning Map. If adopted, Ordinance No. 2024-10 would submit the proposed rezoning and zoning map change to the voters of Orange Village.

1. Council President Silver opened the public hearing at 7:08 p.m.
2. Ken Weinberg, KJI Group, provided an overview of the project
3. Mayor Kline made a statement concerning the purchase of the church – see Exhibit “A”
4. Audience comments submitted prior to the public hearing – Council President Brent Silver
  - Cindy Hartz, 4909 W Woodcrest – Embrace it – septic tanks are expensive – stated the project would bring sewers to the neighborhood and she would like a sewer in her neighborhood
  - David Heller, President, NRP Group - Solon, Ohio – great enhancement to the Village – spoke highly about Ken Weinberg, KJI Group – was employed with NRP Group for 7 years and other companies
  - Seth Task, Senior Partner Berkshire Hathaway – supports the proposed rezoning, severe housing shortage - new housing is essential – not involved in the project and no financial gain from the project
  - Kate Rabinovich, 4389 Lander Road – supports the proposal, unique opportunity, she is a realtor and is astutely aware of the need for home inventory
  - Daniel Goldstein, 260 Capital Hill Circle – currently it is an eyesore, thoughtful proposal elevating the area aesthetically and financially. Moving to the ballot is part of the democratic process
  - Nina McLaughlin, 4499 Lander Road – Feels the project is too much and asked council not to pass the ordinance. She would like to see a few homes added and Orange should purchase the undeveloped area and make it a nature reserve
5. Audience comments
  - Brett Porter, 3725 Greenwood, Moreland Hills – 20 years in real estate industry – new development is inevitable, creates opportunity for the housing supply in the community, supports the project
  - Jenna Konstantinovsky, 4089 Orangewood - supports the project – blocking would be against Orange charter, homes would be paying into the system, vote no campaign information sent to her home she felt was lying by omission
  - Rodney Simon, 4940 E Woodcrest – feels the developer for the project is the right person for the project – development is inevitable, , flooding is issue and this will take care of that - supports the project and Ken
  - Zeeshan Gauba, 4320 Lander - new resident – works in the tech industry, supports the project, property values going down with the current building on the property – people making false accusations during the Party in the Park...”developer has no experience”, hopes community will come together and support Ken

- Ron Konstantinovsky, 645 Beacon Hill Dr – stated a council person made a statement that we should be a good neighbors, he has been thinking a lot about this - neighbors should support one another, 16 lots on 13 ½ acres (40% greenspace) – feels the developer is looking out for the neighbors
- Mark Verdova, 459 Dunwoody, Aurora, OH, Vice President, Payne & Payne Home Builders – pro development, supports the project, people want to build and live here – will add value to the area
- Richard Cole, 20 Orchard Circle – would like to see the Village make a decision based on the facts. Would like to see Mayor Kline’s information published with emphasis on factual information. We have to do something with this property. If you are saying no, what else can we do with the land? Decision based on facts, not emotion.
- Jim Boyle, 31399 Fairview Dr. – what is going on is condescending and procedurally done wrong – filed motion to intervene, going to be litigated – wanted it brought back to council to be voted on - attorney general stated you cannot vote remotely – vote is something that matters
- Richard Karges, 29749 N Hilltop – concerns with the property, community block grant to build an education center for Orange, incubator program for startups - community to have access to the property and how we best use the property, doesn’t think that has been done
- Gena O’Neil, 30899 Woodcrest – resident for 20 years, supports the project, her home is closest to the property line (72 feet), spoke with Mr. Weinberg and she fully supports him and the project
- Neil Jackson, 30949 Woodcrest – speaking on behalf of his aunt who is a 34 year resident and supports this plan – they hope it will alleviate the stormdrain issue she is having
- Eric Beiersdorfer, 29000 Emery – urge council to not proceed with the project. This project was defeated and is back on, concerns with this. Not in accordance with the Master Plan. Troublesome lot precedent, 10 acres that is currently used as a religious institution what will happen there? Village can put a gate up so people can’t get in
- Charles Hridel, 29550 Pike– Housing economist - concerns on how this is developed – concerned about precedent we are setting, stating the property is unique, doesn’t feel development is inevitable - alleviate concerns on how this deal is done – caution on pushing it through
- Sheryl Kline, 161 Orange Lake Drive (Mayor’s wife) – resident 40 years, has her own opinion – property does not belong to any of us nor the Village. This is just allowing all residents to have a voice, why deny other families the chance to live in Orange Village. Let the majority of the community members vote
- Jeff Perry, 4805 Lander, his property impacted most by this – uniquely situated to see what is going on in the church all the time. Saw people working on the inside of the church, making sure it wasn’t dilapidated. Bothered by changing the Master Plan, change the master plan first, follow procedures
- John Loftus, 4231 Lander – 4<sup>th</sup> time speaking, elected council to represent us, assuming you have a deeper understanding of items coming before you, have the issues of the constituents not the developer. Spoke about the master plan and the objectives of the plan. Asking council to represent the constituents and not the developer and his return on his investment
- Joanne Loftus, 4231 Lander – read an email from Sue Ellen Andrish, 29599 Pike Dr, opposed to the project, lots on Lander are 1 ½ acres, feels it takes away character of the Village, take away ambiance of our Village
- Stacey Golden, 4969 W Woodcrest –voted rezoning request down in May, two reasons driving objection..are you willing to send issue to the voters change land parcels by an entity that filed a lawsuit after you voted their request down? This action was filed the Village Law Director

- and Mayor entered into a consent with the entities attorney and sent it back to council again. Appears to her lack of integrity to work within the Ordinances established by the village charter
- Marianne Dyer, 4680 Brainard – lived in the Village for 57 years – not in favor to bring in more people to this community, we are not a City. Does not like the rezoning of the lots, no place to sit outside to enjoy the deer and wildlife. Do not rezone.
  - Aaron Ugran, 4729 Lander – referenced the Master Plan, why do we have it? If master plan needs to be changed, do so – zoned for 1 ½ acre lots – permitted to put 5-6 homes on it without zoning changes. Can't be done with the profit that the developer would make with 16 houses. We are not here to enrich the developer or current property owner. Ask council to vote no, do not pass the buck. Misinformation, not a decision by the courts but a mutual agreement with the developer and the Mayor.
  - Lydia Burrell, 30249 Jackson – against the proposal, stated the purpose of a variance is to help someone with a hardship, it is not to maximize the value of a property for a developer to maximize their profit
  - Mary Keefe, 30199 Jackson – 36 year resident, land is very important, we will no longer be a unique community, we are not diversifying only developing for a certain economic class, would like a community center at the church, don't need more high density housing
  - Joseph Dubyak, 4139 Lander – lived here 43 years – 1986, developers and real estate brokers wanted high density lots at Emery and Lander Road – litigation – 3 council members resigned (owners of the property) and 3 council members were recalled – 1998 Master Plan was created, how we want our Village to look - 2004 undeveloped land had to be 30 acres – stop this, contacted by developer to purchase his property
  - Miki Beachler, 4420 Brainard Rd – why did Ken file a lawsuit when council voted it down – why not build 9 homes – if there is an issue on Woodcrest why has the Village not addressed this in the past. Feels this property would be great place for a spray park. Do not vote for this
  - Brian Cost, 4810 W Fairview Dr – abuts this property, urged council to not approve – did his own research, spoke with Western Reserve Conservancy, Chief Conservation Officer, stated they have this on their radar but they cannot purchase it right now, thinks Orange Village may be able to purchase the property. He feels Lakes of Orange is an atrocity. Urge council to not vote for this project.
6. Final remarks - Ken Weinberg, KJI Group – the Master Plan is comprehensive and flexible. Will allow Orange Village to be a community for all generations. Blend the surroundings and add tax revenue for the schools and Village.
7. Council President Silver closed the public hearing at 8:23 p.m.

### Special Council Meeting

1. Council President Silver called the Special Council Meeting of August 1, 2024 to order 8:23 p.m.
2. Pledge of Allegiance
3. Roll call

Members Present:	Perry, Bilsky, Ullner, Vincent (via Zoom), Foster, Madden, Silver
Members Absent:	
Others Present:	Jud Kline, Mayor Steve Byron, Law Director Mike Roberts, Police Lieutenant Anna Girardi, Council Clerk

4. Old Business of Pending Legislation and Motions

**A. ORDINANCE 2024-10**

AN ORDINANCE REZONING CERTAIN PARCELS OF LAND FROM THE U-1 ZONING DISTRICT TO THE S-1 ZONING DISTRICT, AMENDING THE VILLAGE ZONING MAP, SUBMITTING THE PROPOSED ZONING CHANGES TO THE VOTERS OF ORANGE VILLAGE, AND DECLARING AN EMERGENCY. 3<sup>rd</sup> Reading

Recommended by the Planning and Zoning Commission

A Motion for passage of Ordinance 2024-10 was made by Mr. Madden seconded by Mr. Silver.

Mr. Byron stated that state law did not allow council to vote remotely but when COVID came about that was changed. The state law expired after COVID, but Orange Village council passed legislation to allow members to vote remotely and we have done so in the past. The Village has this home rule power under the constitution.

Mrs. Vincent read a statement in favor of the project and explained that it is not back land development. She feels this would be a single cul-de-sac street and will not set a precedent. Master Plan was created 6 years ago and the intent of the plan is comprehensive, yet flexible, and not intended to be static. She stated she has been listening and will be voting yes so everyone will have a chance to be heard.

Mr. Bilsky stated he abstained originally because he was in business with the KJI Group, that has ended. He will be voting for the passage of Ordinance 2024-10 this evening. He thanked everyone for coming out to speak about the project. Stated the Master Plan was drafted 7 years ago, the intent of the plan is to be comprehensive yet flexible and not The lots proposed are larger than his and he loves the greenspace. He sees a properly designed development. He is in favor of the development and thanked everyone that came out tonight to share their

Mrs. Ullner stated she will be voting no – she believes process does matter and she is not trying to deny anyone the right to vote. She does not believe this was done appropriately.

Mr. Foster stated this was a very emotional procedure we are going through tonight. He is voting to move forward not just for the development but for the process of democracy.

Mr. Madden will be voting for the project, feels the only way to work that out is for this to go to the voters.

Ayes:	Bilsky, Vincent, Foster, Madden, Silver
Abstain:	Perry
Nays:	Ullner

5. New Business and Consideration of:

- None

6. A Motion to adjourn to executive session for the purpose of discussing with the Law Director pending litigation, inviting Lieutenant Mike Roberts was made by Mr. Silver seconded by Mr. Foster.

Ayes: Perry, Bilsky, Ullner, Vincent, Foster, Madden, Silver  
Nays:

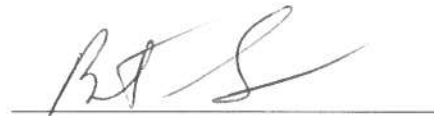
Council Entered into Executive Session at 8:30 p.m.

Council reconvened the Special Council Meeting of August 1, 2024 at 9:14 p.m.

7. Adjournment of the Special Council Meeting of August 1, 2024

Council President Silver adjourned the Special Council Meeting of August 1, 2024 at 9:14 p.m.

  
Annamarie Girardi  
Council Clerk

  
Brent Silver  
Council President