

**MINUTES
ORANGE VILLAGE COUNCIL
COUNCIL MEETING
OCTOBER 9, 2024
7:00 PM**

1. Council President Silver called the Council Meeting of October 9, 2024 to order at 7:00 p.m.
2. Pledge of Allegiance
3. Roll call

Members Present: Madden, Foster, Vincent, Ullner, Bilsky, Perry, Silver
Members Absent:
Others Present: Jud Kline, Mayor
Steve Byron, Law Director
Mike Roberts, Police Chief
Larry Genova, Fire Chief
Bob Zugan, Service Director
Dana Kavander, Treasurer
Anna Girardi, Council Clerk

4. Community Survey Results – Paul Triolo and Patrick Hewitt, Cuyahoga County Planning Commission

Paul Triolo and Patrick Hewitt provided a presentation concerning the results of the Orange Village 2024 Community Survey.

5. A Motion to confirm the appointment of Ned Van Valkenburg to the Finance Committee was made Mr. Silver by Mr. Silver seconded by Mrs. Vincent.

Mrs. Perry stated Mr. Van Valkenburg has attended a couple finance meetings and will be a welcomed addition to our committee. Finance Committee recommended his appointment as a member.

Ayes: Madden, Foster, Vincent, Ullner, Bilsky, Perry, Silver
Nays: None

Mayor Kline administered the Oath of Office to Mr. Van Valkenburg.

6. A Motion to authorize the purchase of two heart monitors (LP35,EN-US,MAS-SP/CO,MED-CO2,SUN-NIBP,12L,WIFI/CELL/LN/CPRIN,STD,BT), and all necessary attendant equipment, from Stryker Sales, LLC at a total cost not to exceed \$110,000 was made by Ms. Ullner seconded by Mr. Foster.

Chief Genova stated the monitors we currently have were provided by University Hospital. They are no longer providing this item to departments. The monitors are from 2010 and 2013 and they have surpassed their service life and need to be replaced. The monitors we are ordering just came to market this summer. Stryker is the sole source for these monitors.

Ayes: Madden, Foster, Vincent, Ullner, Bilsky, Perry, Silver
Nays: None

7. A Motion to approve the Special Council Meeting Minutes of September 4, 2024 was made by Mrs. Vincent seconded by Mrs. Perry.

Ayes: Madden, Foster, Vincent, Ullner, Bilsky, Perry, Silver
Nays: None

8. A Motion to approve the Council Meeting Minutes of September 11, 2024 was made by Mrs. Perry seconded by Mrs. Vincent.

Ayes: Madden, Foster, Vincent, Ullner, Bilsky, Perry, Silver
Nays: None

9. A Motion to approve the Treasurer's Report for August, 2024 was made by Ms. Ullner seconded by Mr. Silver.

Mrs. Kavander explained the Treasurer's Report

Ayes: Madden, Foster, Vincent, Ullner, Bilsky, Perry, Silver
Nays: None

10. A Motion to approve the Tax Administrator's Report for August, 2024 was made by Mrs. Perry seconded by Mr. Bilsky.

Mrs. Kavander explained the Tax Administrator's Report

Ayes: Madden, Foster, Vincent, Ullner, Bilsky, Perry, Silver
Nays: None

11. A Discussion of the Bills to be Paid in the month of October in the amount of \$515,958.71 and additional September expenses in the amount of \$81,611.70.

Ms. Ullner inquired about the Singerman, Mills billing and wanted to know how many approximate hours per month were spent for the retainer portion. Mr. Byron will provide the information.

12. Audience comments relating to agenda items only –

Liz Gregory, 454 Crystal Lake

- Proposed phase 8 – align with the master plan land use (page 20 – section 7)
 - o Feels phase 8 is a perfect example of an area that abuts a commercial area
 - o Village will maintain a buffer from commercial and residential
 - o Floodplain – referenced in Village Engineer memo
- Referenced Village Engineer memo – setback does not met the 50 or 60 feet setback
- Feels the additional Phase 8 is so the developer will have control

Rob Edelstein, 315 Tahoe Trail

- Stated he felt the Lakes of Orange are now entitled to elect an HOA board and after that was done he then added Phase 8. He would like council to deny the ordinance.
- Would like to know when the Village will be connecting the sidewalk in Phase 7 to Emery Road
- Safety concern
- Wants Phase 8 to include sidewalks and cannot be completed without them
- Would like a traffic study done for entry/exit on Phase 8

Rajesh Pidikiti, 495 Crystal Lake

- Feels after the work is done the developer now wants to add more and is concerned there will be more phases

John Kolb, 230 Lake Mead

- New Board for Lakes of Orange as of Monday night
- Phase 8 - Safety issue with regards to sidewalks
- Concerned with water runoff in the development
 - o Helped neighbor every time it rains, they have a large amount of water from homes that are built higher
 - o Filed complaint with EPA – has report with numerous violations

13. Old Business of Pending Legislation and Motions

A. ORDINANCE 2023-11

AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO AN ACCESS AND ASSET TRANSFER AGREEMENT WITH THE CITY OF SOLON FOR THE CONSTRUCTION OF A WATERMAIN IN ORANGE VILLAGE IN THE MILES ROAD RIGHT OF WAY. 3rd Reading

Recommended by the Planning and Zoning Commission

A Motion for passage of Ordinance 2023-11 was made by Mrs. Vincent seconded by Mr. Silver.

Ayes: Madden, Foster, Vincent, Ullner, Bilsky, Perry, Silver
Nays: None

B. ORDINANCE 2024-21

AN ORDINANCE AMENDING SUBSECTION 521.06(A), DUTY TO KEEP SIDEWALKS IN REPAIR AND CLEAN OF CHAPTER 521, HEALTH, SAFETY AND SANITATION, TO REQUIRE THE REPAIR OF THE VILLAGE'S RECREATIONAL TRAILS IN CERTAIN CIRCUMSTANCES, REPEALING CERTAIN ORDINANCES, AND DECLARING AN EMERGENCY. 3rd Reading

A Motion for passage of Ordinance 2024-21 was made by Mrs. Perry seconded by Mr. Bilsky.

Mrs. Vincent wanted to know if the residents are liable. Mr. Byron stated the law in Ohio is that property owners are not liable for natural accumulations of ice and snow. Property owners will not be held liable for injuries caused by ice and snow unless they created the hazard. Residents should keep the sidewalks on their property in repair and free of tripping hazards. This applies only to sidewalks.

Ayes: Madden, Foster, Vincent, Ullner, Bilsky, Perry, Silver
Nays: None

C. ORDINANCE 2024-22

AN ORDINANCE AMENDING CHAPTER 1375, TREE PRESERVATION, OF THE CODIFIED ORDINANCES OF ORANGE VILLAGE, AND DECLARING AN EMERGENCY. 2nd Reading

Referred to the Planning and Zoning Commission

Mayor Kline stated this has been discussed at the Planning & Zoning meeting. There are revisions that will be made and finalized at the next Planning and Zoning meeting. It will then come back to council.

D. ORDINANCE 2024-23

AN ORDINANCE APPROVING THE SUBDIVISION PLAT FOR PHASE 8 OF THE LAKES OF ORANGE DEVELOPMENT. 2nd Reading

Referred to the Planning and Zoning Commission

Mr. Silver asked where we were with this ordinance. Mr. Byron stated there may be a setback variance for one of the lots. They will also have to put together a development plan. This is just a step in the process. If their plat applies to the zoning code the Village has to approve the plat within 30 days. Mr. Silver asked about an item on the Planning and Zoning agenda concerning the HOA. He asked if the approval of the HOA was something that will come to Council. Mr. Byron stated this will not come to Council.

Ms. Ullner stated she attended the P & Z meeting. She tried to listen to both sides. She reached out to the attorney of the developer but she has not heard back from them. Her knowledge is from what the residents have to say. The developer has the right to make a request to add property to the development. Ms. Ullner asked about Mr. Byron's statement concerning the denial of the plan if safety, health and welfare of the residents was an issue. Mr. Byron stated that nothing has been brought to our attention at that level, so there is no basis. Ms. Ullner stated she feels there is significant mental health issues for the residents. Mental health is very important. The letters that have been sent to residents by the developer and provided to her are harassing. She wants to know why this development has to be a part of Lakes of Orange and accessing it by walking on the sidewalks is a safety issue. Mr. Byron stated health, safety and welfare is the standard for determining whether municipal action is constitutional. There also needs to be a legislated standard for saying no to a request for approval. There is no such legislation. Regarding mental health issues, the Village is not in a position to know if, in fact, any Village action or policy causes mental health issues for anyone.

Mr. Bilsky stated the developer is no longer involved with the HOA and he cannot regain control of the HOA. He asked if the HOA can take legal action against the developer. Mr. Byron he stated that the HOA cannot seek legal action if the developer wants to add onto the development. He also stated that Council cannot vote something down because residents are concerned; we have to abide by the zoning code.

Mrs. Vincent stated she is struggling with the issue and wants the residents to be happy. Mr. Bilsky stated there is nothing we can do today about the issue that was approved many years ago. Mr. Silver asked if there is any way the homes can be built on the property but not in the HOA. Mr. Byron stated if the developer agrees to it. He is required to have a homeowners association. He has a right under the development plan to add to the current HOA. If we vote it down, the developer can appeal our decision. Mr. Foster said if there is an environmental problem who would be responsible. Mr. Byron stated any homeowner who has the environmental issue would be responsible.

Ms. Ullner requested that the developer have a sitdown with Council and discuss this with us.

14. New Business and Consideration of:

A. RESOLUTION 2024-12

A RESOLUTION OF SUPPORT BY THE VILLAGE OF ORANGE, OHIO TO HOLD THE 2030 SPECIAL OLYMPICS IN CLEVELAND, OHIO.

Mayor Kline stated that the Mayors and Managers Association would like the area communities to encourage the Special Olympics to held in Cleveland. He is asking for approval for this resolution this evening.

Mrs. Vincent would like to make a change – the second Whereas, after the word represent change to; the epitome of the best through heart, drive, spirit and dedication to preparing for competition with participants ages as young as eight years old; and

A Motion to amend Resolution 2024-12 to change the second Whereas, after represent... to the epitome of the best through heart, drive, spirit and dedication to preparing for competition with participants ages as your as eight years old seconded by Ms. Ullner.

Ayes: Madden, Foster, Vincent, Ullner, Bilsky, Perry, Silver
Nays: None

A Motion for passage of Resolution 2024-12 as amended was made by Mr. Silver seconded by Ms. Ullner

Ayes: Madden, Foster, Vincent, Ullner, Bilsky, Perry, Silver
Nays: None

B. RESOLUTION 2024-13

A RESOLUTION REQUESTING THE FISCAL OFFICER TO ADVANCE TAXES IN ACCORDANCE WITH THE OHIO REVISED CODE, AND DECLARING AN EMERGENCY.

Mr. Byron stated this allows us to receive the funds immediately.

A Motion for passage of Resolution 2024-13 was made by Mr. Foster seconded by Mr. Silver.

Ayes: Madden, Foster, Vincent, Ullner, Bilsky, Perry, Silver
Nays: None

15. Audience comments relating to matters which advance the good of the Village

John Kolb, 220 Lake Meade

- Stated Mr. Byron may have misspoke concerning the EPA issue
 - o He is looking for a solution

Amanda Kurland, 150 Valencia

- Spoke concerning Issue 32 – does not support the rezoning New Song Church property – Issue 32

Angela Ugran, 30150 Jackson Rd

- Spoke against Issue 32 - Conflicts of interest, against Master Plan, allowing a company to make more money, sign is a code violation on the church property

Liz Gregory, 454 Crystal Lake Dr

- Mr. Byron stated we have our own HOA, but we do not
 - o If developer is allowed to add more homes we do not have control
 - o Doesn't understand how the HOA has control

Bennett Rubin, 558 Salt Lake Circle

- Asked Mr. Byron about the development plan – Mr. Byron stated we do not have anything at this time but he will send this information to them via email
- Wants to know if we plan to expand the community garden
 - o Mrs. Perry stated we do not have a great deal of room to expand

Jim Boyle, 31399 Fairview Drive (did not sign in)

- Spoke against Issue 32

- Received information to vote yes on Issue 32
 - Needs to state where the information came from
 - Cannot be paid by KJI – must be a PAC
 - He filed a complaint with Secretary of State
 - Design, printed and mailed signs and postcard without a PAC

Rajesh Pidikiti, 495 Crystal Lake

- Unglorified developer - Lakes of Orange has an issue with him
- Make sure the developer is there for the people

16. Comments by the Mayor

- Thanked everyone for coming tonight and your comments and passion
- Kids Coloring Contest is on-going. Please have your aspiring artists ages 4-10, color one of the sketches provided on our website or in the box outside Village Hall. Completed creations can be dropped off at Village Hall no later than October 25th.
- Happy Columbus Day/Indigenous People Day Village Hall is OPEN and there is no change to trash/recycle pickup
- Paper Shredding event on Friday, October 18 from 9:00 am – noon or the truck is full at Orange Village Service Department, 4680 Lander Road. There is a 5 box/bag limit.
- Leaf collection begins on Monday, October 21 and runs through Wednesday, November 27
- Orange Village Police and Fire Departments will be participating in the Trunk or Treat event on Friday, October 25th from 6-8pm at Pepper Pike Learning Center – stop by and visit our officers
- Trick or Treat will be on Thursday, October 31 from 6:00 – 8:00 pm
- Voting is Tuesday, November 5th from 6:30 am – 7:30 pm at Orange Village Hall. You also have the option of voting by mail or in-person. Please note that in-person voting is located at the Cuyahoga County Board of Election, 2925 Euclid Avenue
 - Orange Village Service Department will collect campaign signs throughout the village the day after the election. If your signs were removed and you would like to keep them, please contact the service department at 440-498-4403. The signs will be taken to the Cuyahoga County Solid Waste District to be recycled.
- Formation of committees – should have received an email
 - Meeting will be held Tuesday, November 12 at 7:00 pm at Orange Village Hall
 - If you are interested in joining a committee, please attend
- Security doors – are being programmed soon
 - Thanked the service department for their work and craftsmanship
- Grant writer
 - To pursue grants for items that the village would like to consider
- Thanked the Cuyahoga County Planning Commission for their work with the survey
- Placement of political signs, they should be behind the right-of-way not IN the right-of-way

17. Comments by the Council President

- Orange for the Holidays is moving forward
- Lander Road – Community Heritage School sign
 - Chief Roberts stated that it is in Pepper Pike and he had a conversation with them
- Ms. Ullner stated there is an issue with traffic there as well
- Potentially moving the meetings to the 1st and 3rd meeting of the month
 - Mrs. Vincent is unable to make the change due to a prior commitment
 - Mr. Byron stated that Pepper Pike requested it, he will let them know we are not changing

18. Committee Reports and Comments by Council Members

Madden

- Thanked all those that attended

Foster

- Maintenance schedule for Orange
 - o Mr. Zupan stated we clean the catch basins annually
 - o We also inform residents not to place leaves in the storm drains

Vincent

- Thanked everyone for coming
- Thanked the Orange Village staff for their attendance at the Orange Schools Centennial Celebration
- Orange Schools update
- Phase 8 will be on the next P & Z Meeting on October 15 at Orange Village Hall
- Orange for the Holidays
 - o Great coupons
- Happy New Year to residents
- John Hanzel and Betty Radis – condolences to the families
- Remember to vote on November 5

Ullner

- September 15 as the day of National Independence for a number of Latin American countries
 - o Take a moment to learn something about the histories, cultures and contributions that Hispanic Americans have made to our counties and communities.
- Mayor Kline invited her to join him at a meeting with the Police Chief, Fire Chief and Vice Mayor of Shaker Heights, along with our Police Chief Roberts to learn more about the CALL Program which Ms. Ullner brought to the attention of Orange
 - o Great program to bring mental health help to those who need it
- Codified Ordinance on website
 - o They are on the website but asked if they can be more prominent
- Issue 32 – only council member against it
 - o If someone bought a property and it was zoned a certain way they expect it to be that way
 - o Mailer and sign did not follow the law – must be handled by the Board of Elections
 - Feels it does say something about the developer, has some concerns
- Wished everyone a good fast

Bilsky

- Happy and Healthy New Year to all who celebrate
- Recognize that Monday is Indigenous people day – very important part of our society
- Thank you to everyone for coming out - Don't know how to help but happy to try to help the residents out

Perry

- Thanked everyone for coming out and would like to help in any way we can

19. Adjournment of the Council Meeting of October 9, 2024

Council President Silver adjourned the meeting.

The Council Meeting of October 9, 2024 was adjourned at 9:32 p.m.


Annamarie Girardi
Council Clerk


Brent Silver
Council President