



Village of Galena ZONING AND PLANNING COMMISSION

MINUTES OF THE MEETING OF JANUARY 16, 2013

The Zoning and Planning Commission of the Village of Galena met on Wednesday January 16, 2013 in the Council Chambers of the Village Hall at 109 Harrison Street, Galena, Ohio. Present were members; President Tom Hopper, Nancy Feole, Stan Swisher, Mark Brooks and Mike Bragalone. Also present were Zoning Inspector David LaValle, Zoning Clerk Sally Hopper and visitors: Dave Adams and Heather Adams. The meeting was officially called to order at 7:07 PM.

Mayor Hopper swore in Stan Swisher to a new three year term on the Commission.

Copies of the minutes from the meeting of December 19, 2012 had been distributed to all members by the Clerk. A motion to approve the minutes, as presented, was made by Mark Brooks, seconded by Nancy Feole and passed unanimously.

Zoning Inspector David LaValle issued a written report which is attached and incorporated as part of these minutes. He gave a brief summary of the report. He is still trying to work with the County on correcting the building code violations at the 37 High Street property that have led to unsafe conditions. He is continuing to monitor the situation at 104 Holmes Street. Legal processing by the Solicitor has begun on the Jehnsen rental property at 51 Middle Street. Mr. LaValle met with Mr. Jehnsen today concerning the plans in regard to the notice of violation. He will discuss that further, later in the meeting. Work on the garage at 73 North Walnut Street is complete and a certificate of zoning compliance will be issued. He has forwarded materials to the attorney for Sambuca's Greenhouse regarding a proposed rezoning. He also followed-up on issues regarding 515 North Walnut St., 86 Holmes St. and 24 Front Street. Mr. LaValle reported that the Commission had been advised of foul odors at 134 North Walnut. This property has previously been inspected for wood destroying bees and odors with negative results. Inspection is continuing.

Mr. Dave Adams and his wife, Heather Adams, spoke again on their concerns with the 134 North Walnut St. property. Mr. LaValle was questioned about his report that he had not observed bees and told they were concerned they would reappear next spring. Mr. LaValle told Mr. Adams that he had inspected last June with no bees observed. Mr. Adams disagreed and said he had proof including many photos. He was asked by Mr. LaValle if he would produce those photos and that he was not disagreeing, but had not seen them himself during his inspection. Mr. Adams went on to say the bats are still in the chimney but that he had not seen a rat for several months. He has tried to talk with the owner with no results and that the property is a problem. There are plenty of records of their complaints and they don't want this to go any further.

Mr. LaValle asked if they had filed a formal complaint. Mr. Adams said that he had not, but was told that his complaints at recent Council meetings were sufficient. He was asked by Mr. LaValle to go ahead and file a formal written complaint but that he had been going ahead and investigating based on his informal verbal complaints. He would like the formal complaint if the Village goes to court with these folks and then it is not just him, but he has something to fall back on. Mr. Adams says the problems are not good and it is a health issue. Come spring he will be hot on this. There was a discussion of possible legal action by the Adams'. Mr. Adams says it is hurting the value of his home and everyone else's home in the Village. He discusses that the foreclosed homes and the junkie homes up and down Walnut St. are hurting property values and he feels we really need to hold these people accountable.

Mr. LaValle then had a discussion with Mr. and Mrs. Adams about what attracted them to Galena and the fact that they have other family in Galena. They agree that the person with chickens is a relative and they discuss how the tall building next to Mrs. Adams grandmother's house is a big problem and that there are many other problems in the Village. Mrs. Adams says she would love to have Mr. LaValle come over some time during the day and she would point all this out to him. She says she is a real estate agent and her goal when she purchased her home out of foreclosure was to improve the Village. She now feels the Village has deteriorated since she bought her home in 2008. She tried to talk with the people that bought the house at 134 about what was needed when they purchased the property but they just turned their back and walked away. Mr. Adams said that he is in construction and has offered to help. Mrs. Adams went on to say that now the house on the other side of them is going into foreclosure and with the problems with the brick house behind them (37 High St.) it is like oh my god. Mr. LaValle said that he had inspected the house on the north side (152 Walnut) and it is actually in worse condition than 134. Mr. Adams responds that it is better structurally. Mrs. Adams says she is fine with her neighbors, everyone is fine, and just wants to help. Mr. Adams says he just wants everyone to do the right thing.

Mr. LaValle asks them again about the sewer smell they have reported at the 134 property. They say it is intermittent. Since it is unlikely to occur when he is at work he gave them his home number and says to call him when they smell it and he will drive in the 20 miles from home to inspect. He will charge the Village two hours labor time and mileage, about \$85, to do so. Mr. Adams says he only wants what is right.

The Mayor explains that Mr. LaValle can only cite someone for what he observes. Also the home at 152 North Walnut is going into foreclosure which makes it exceedingly hard to get anything done. There is then a discussion about people across the street who will not mow their grass and the enforcement issues with trying to correct it. The Mayor goes on to say they are aware of the issues and Mr. LaValle is trying to work on it to the best that he can do.

There followed a discussion between Mr. LaValle and the Commission concerning 39 Middle Street. The property has been in terrible disrepair for many years and now the roof has come off the rear section. The house is very historic and everyone agreed that they hope the property can be saved, but that it was time to move forward with a repair or raze order. At Mr. LaValle's request, a motion to seek a legal opinion from Village Solicitor Ken Molnar, and if favorable to start a repair or raze action for 39 Middle Street, was made by Nancy Feole, seconded by Stan Swisher, and passed unanimously.

Mr. LaValle also updated the Commission on the citations at 51 Middle St. and stated that due to the nature of the problems, including inoperable sewer lines, that he is going to issue orders that an occupancy permit must be obtained before the property can be rented out. The Commission concurred.

The Commission engaged in some general discussions of history and the problems with enforcement on foreclosed properties. Heather Adams spoke to request Dave LaValle look at a tree at 152 Walnut which she says is split. In answer to a question he also said he would send a complaint form to Dave Adams. The Mayor gave another explanation to Mr. Adams about how a formal written complaint is helpful, especially at this stage, but is not required to get Mr. LaValle to look at a problem.

The clerk had nothing additional to report.

In old business Stan Swisher asked about the issue of "on street" vs. "off street" parking on the Walnut Street Phase 3 rebuilding project. The Mayor explained that those issues and also sidewalk issues have been worked out. There was a discussion of the condition of the construction area after the recent work by Del-co Water and Columbia Gas.

There was no new business.

There being no further business before the Commission, a motion to adjourn the meeting was made by Stan Swisher, seconded by Mike Bragalone, and passed unanimously. **The next scheduled meeting will be on Wednesday, February 20, 2013 at 7:00 PM.** The meeting was officially adjourned at 7:44 PM.

Clerk

Chairman

CERTIFICATION

I, Sally H. Hopper, Clerk of The Zoning & Planning Commission of the Village of Galena, Ohio do hereby certify that publication of the above MINUTES was duly made by posting true copies thereof at five (5) of the most public places in the Village of Galena as provided for in Ordinance # 99-15 enacted by the Council of the Village of Galena on December 21, 1999.

Sally H. Hopper, Clerk