

Record of Proceedings

Public Hearing

March 22, 2018

Presiding Officer, Mayor Migliorini called the March 22 Public Hearing to order at 7:15pm.

Present: Council members' Kevin Bilkie, Jessica Brandt, Nick Molnar, Janet Tulley and Vini J. Ventura; Law Director Mark Guidetti and Council Clerk Josephine Arceci

Absent:

Purpose of Hearing: To consider application to renew the placement of land in an Agricultural District relative to the property at 9541 N. Bedford Road

Prior to hearing comments, Law Director Guidetti explained first and foremost this request (application) has nothing to do with rezoning the property. The application process is a requirement set forth in the Ohio Revised Code relative to placing property under a specific classification described as an Agricultural District. If the applicant demonstrates the property qualifies for Agricultural District classification the property owner/property derive certain benefits; tax benefits, insulation from certain criminal statutes relative to nuisance allegation against the property and also delayed assessment.

Property owner Chris Posey informed Council he has owned the property at 9541 N. Bedford Road for two years. This is his first application for Agricultural District. The property was classified Agricultural District when owned previously by Doris Robertson. Mr. Posey explained he raises sheep to breed and sell. The operation is clean. There is no slaughtering on the property. An electric fence surrounds the current herd of sheep is 52. Mr. Posey also owns livestock guardian dogs, two Great Pyrenees'. So far this year the dogs have killed five coyotes. Last year there were about four. The dogs have also killed smaller animals like raccoons, opossums and skunks.

Mayor Migliorini asked Mr. Posey if he resides at N. Bedford property or if he rents the home. Mayor Migliorini also asked if it's Mr. Posey's intent is to sell the property as the Mayor knows it is on the market. Mayor Migliorini mentioned to Mr. Posey that Doris Robertson had indicated to the Mayor that she had placed the property in a conservation easement in order to realized federal tax consideration. The Mayor asked Mr. Posey if he was receiving the same federal benefit.

Mr. Posey explained to Mayor Migliorini that when he purchased 9541 N. Bedford Road he still owned a home. So for about 14 months, until his home was sold he rented the N. Bedford property as an Airbnb. That however is no longer the case, the home is his residence. Regarding selling the property, Mr. Posey said frankly if he receives what he described as a ridiculously high asking price he would sell it. Mr. Posey told Mayor Migliorini he was unaware of the conservation easement and IRS benefit.

Councilor Tulley asked Mr. Guidetti if the property is sold does the Agricultural District designation stay with the property to which the law director answered yes, if agricultural criteria existed at the time of the sale and the criteria continued. Ms. Tulley mentioned that Ms. Robertson had an agreement with Northfield Park to board race horses. Does Mr. Posey have the same agreement she asked him.

Mr. Posey told Ms. Tulley when he first took ownership he honored the contract Ms. Robertson had with the track. However he did not continue the relationship with the track because horses tear up pastures. Mr. Posey explained unlike sheep that just graze the top of pasture grass the horses eat down to the dirt. Another reason for not continuing is one of the horses reared-up on one the dogs.

Councilor Brandt asked Mr. Posey if Indian Creek starts on his property and if there is any run-off from the pastures.

Mr. Posey explained to Ms. Brandt that Indian Creek starts at the most southern end of the property. Explaining from a rendering of the property provided to Council Mr. Posey said the sheep graze on pasture on the northeast end the property. Drainage from the pasture is to a lake in that area. This lake drains to second lake, then to a third and finally the fourth lake before reaching Indian Creek.

Mayor Migliorini asked Mr. Posey if he has considered dredging the lakes to which Mr. Posey answered Ms. Robertson provide him paperwork stating the lakes were dredged sometime around 2001-2002.

Councilor Ventura asked Mr. Posey if he sold a portion of the property for the home that fronts N. Bedford Road to which Mr. Posey answered he did not. That parcel was sold prior to him purchasing 9541 N. Bedford. Continuing Mr. Posey stated it is his understanding Ms. Robertson's niece purchased several parcels fronting N. Bedford Road. Two already have homes, one parcel remains vacant.

There being so further business, the Public Hearing was adjourned at 7:32pm.