

Minutes: Russell Township Board of Zoning Appeals
Russell Fire-Rescue Station
July 9, 2012

Present: Steve Gokorsch, Chairman
Fred Cuffari
Charles Johns
John Rybak
Diana Steffen, Secretary

William Downing was absent.

The Chairman called the meeting to order at 7:05 p.m. and the Secretary announced she had sent a Sunshine Notice rescheduling the meeting from July 2nd to four newspapers and had posted it at the Administration Building and Fire-Rescue Station.

MINUTES OF JUNE 4, 2012 – Mr. Cuffari pointed out that the statement in 'Duncan' factor a) for Appeal #466 was not an accurate record of the decision of the board. It was merely a comment by a board member and was not a fact given in testimony during the hearing as to the financial impact to the property. The board agreed to replace the sentence with, "There was general agreement of the board that there was no impact."

Mr. Cuffari moved to approve the minutes as amended, Mr. Johns seconded and the motion passed unanimously.

The Chairman asked that in future when reviewing the 'Duncan' factors, board members should respond audibly as to whether they agree or not, rather than by a shake of the head. The Secretary will then be able to record each decision accurately.

FINDINGS OF FACT #466 GALLO – *Mr. Rybak moved to approve the Findings of Fact for Appeal #466 James C. Gallo as submitted, Mr. Johns seconded and the motion passed unanimously.*

HIRING OF LEGAL COUNSEL – Mrs. Steffen explained that Mr. Gokorsch contacted two attorneys and asked for proposals for giving advice to the board regarding managing conditional uses. One of the attorneys, Todd Hunt of Walter & Haverfield, sent a proposal to the board. Mr. Gokorsch said that the board needs legal counsel to advise the board about its latitude with conditional uses.

Mr. Gokorsch made the motion to hire R. Todd Hunt of Walter & Haverfield at a rate of \$225 per hour for his time, and \$180 per hour for his associate attorneys with a total cost not to exceed \$2,500, for the purpose of advising the Board of Zoning Appeals as to the proper process to be followed in dealing with conditional use applications. Mr. Rybak seconded and the motion passed unanimously.

Mrs. Steffen will send a memo to the Board of Trustees, which includes the motion, to ask the Trustees to approve the funds. Once that approval is given Mr. Gokorsch will write to Mr. Hunt accepting his proposal, and also to attorney David King to tell him that the board has hired someone.

OTHER BUSINESS – Mrs. Steffen had attended the recent Northeast Ohio Planning & Zoning Workshop and she related some recommendations made by Mr. Hunt at his session titled, "Planning Law Hot Topics."

There being no other business, Mr. Johns moved to adjourn, Mr. Rybak seconded and the meeting adjourned at 7:51 p.m.

Respectfully submitted,

Diana Steffen
Secretary

Date

Steve Gokorsch
Chairman

Date

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