

**RECORD OF PROCEEDINGS
SPECIAL COUNCIL MEETING PUBLIC HEARING
MONDAY, NOVEMBER 14, 2022 – 6:00 P.M.
MAYOR WILLIAM G. KOONS PRESIDING**

MEMBERS PRESENT: Bell, Berger, Canton, Cavanagh, Galicki, Porter

OFFICIALS PRESENT: Fiscal Officer Romanowski, Police Chief Rizzo, Street Commissioner Alder, Solicitor Matheney

VISITORS: Peter Asmer, Ridgecrest Dr.; Patrick, Carlene, Quinn, Mayson Holtz, Garden Park Dr.; Carol and Bob Mobley, Ridgecrest Dr.; Valarie Mariola, Hemlock Rd.; Brett Berkobein, Countryside Dr.; Tom Fowler, Countryside Dr.; Kevin and Tracy Goodman, Ridgecrest Dr.; Trefus Lee, Garden Park Dr.; Elisa Budoff, Garden Park Dr.; Gary Mynchenbert, Louise Dr.; Karel Maresch, Louise Dr.; John Relyea, Sheerbrook Dr.; Lorraine Sevich, Ridgecrest Dr.; Mary and Dwight Milko, Bell Rd.; Jim Flaiz, Sheerbrook Dr.; Ray Schloss, Maple Ridge Rd.

The Mayor called the Special Council meeting/Public Hearing to order and the Fiscal Officer read the roll. The Mayor stated that the Public Hearing was about a request from a resident to change Zoning Code 618.13 requiring a 2-acre minimum of property to house goats. The Mayor added that there would probably be discussion of the topic at the Regular Council meeting that would follow, but did not think any action would be taken at that meeting. The purpose of the meeting was to give residents a chance to comment to Council about the request. He thought Council would reach a decision at the November 28th Regular Council meeting.

The Mayor explained that the matter was assigned to the Building Committee which oversees the code. Canton, the Chair of the Building Committee, explained that it came to Council's attention that a resident in Lake Louise was seeking modification of Code 618.13. The request fell under the auspices of the Building Committee, which sought information and to hear the views of Lake Louise residents as well as the entire South Russell community. He further explained that Council was present to listen to the views but not to make a decision, which would come once research was complete.

Carlene Holtz, Garden Park Dr., had lived in Lake Louise for three years. She stated that GOAT is an acronym for 'greatest of all time' and explained how this pertained to her life. Holtz relayed her experiences in homeschooling, which previously included having goats and chickens when she lived in a Homeowners' Association (HOA) in Munson. She asked that the educational element of the animals be considered. Both of her daughters were diagnosed with learning disabilities, and the goats were a good example of responsibility because they needed to be tended to and loved. They do not bark, chase the neighbors, or poop in the yard like most of the dogs in the neighborhood. She was happy to answer any questions about the goats and said they weigh 30 pounds and are smaller than her Labrador. She did not get the goats to make a statement or cause trouble in the neighborhood, but rather because she has had them before to include participation in 4H. It taught her older daughter responsibility, to know how to be part of a community, and how to speak in public. This is what she wants for her current family.

Quinn Holtz stated that before the goats, they started the building and were very happy, but a little after, there was a no turn sign, and they were a little bit sad.

Valarie Mariola explained that she was not against goats but was speaking against the proposed change in an effort to protect neighborhoods. She referenced the small lot size of the homes in Chagrin Heights, which are less than two acres, and could not support a goat let alone multiple goats. There are no regulations as to how many goats would be permitted. Changing a regulation about the size of a lot for one family changes it for every family in South Russell. She was adamant that the goats not be allowed on the smaller lots because there would be hundreds of lots in the Chagrin Heights subdivision that would be affected by this.

Brett Berkobein, Countryside Dr., stated he was against the idea although he explained that he did not know the difference in types of goats. He has seen the ones on the internet that scream and fall over, and it is a concern to him. Additionally, he has concerns about how and where they are housed in sheds, barns, etc.

Kevin Goodman, Ridgecrest Dr., lives across the street from the Holtz family. He commented about how the Holtz's had improved the property to include planting gardens and noted the family had brought value to the community. He had previously lived in Hunting Valley where he had two goats and three horses. The goats were not demanding and were good animals. Goodman addressed the Americans with Disabilities Act (ADA) in terms of one of his sons who had multiple service animals ranging from mice, dogs, cats, gecko, etc. Animals were a big part of his healing, growth, and ability to learn nurturing, love, and care when it was difficult to relate to people. The ADA calls for the freedom of these sorts of liberties within reason. The quantity of goats and the fence are most important, and once this criterion is met, he had no objection and looked forward to seeing the goats back on the property.

Tracy Goodman, Ridgecrest Dr., lives across the street from the Holtz's, and acknowledged the work they had done on their property. She did not even notice the goats were there until Patrick Holtz notified her of their presence. Goodman said she hears dogs barking all the time in the neighborhood and they poop all over the place. Goodman was supportive of the change. However, she asked what the implication was of this change applying to the Village as a whole. She asked how this would impact other residents and why it might be a bad thing. She noted that her lot is an acre, and that the Holtz's property is nearly two and there is plenty of space. Goodman spoke of the importance of helping families with children with special needs and homeschooling families.

Gary Mynchenberg, Louise Dr., explained that his daughter has a farm in Delaware, Ohio and just got goats and has pigs and horses as well. It is important to her to have the animals around. He does not have a problem with the goats. He asked if there were a limit on how many goats and asked if this was a single variance for one home or something that would apply to every home in the community.

Karl Maresch, Louise Dr., lives four to five houses from the Holtz's. As much as he would love to support his neighbors, ultimately, he thought this was bad for South Russell and for his property value. He said this was a significant request. The Zoning Code in a municipality governs the scheme by which property is developed and managed. For certain things, variances are allowed, but not for livestock. The only way then to do this is to amend the Code, which will affect property values and the scheme all over South Russell. He is opposed to it because it is not a single property variance, and it effects everything. Maresch referenced the South Russell Zoning Map relative to the request. In order to have livestock, a resident must have more than two acres. R1-C and R1-D has zoning that allows more than two acres, which are the big lots east of Lake Louise and would have the capacity to have livestock. He suspected that when the Zoning Map was drawn in 1968 it was not intended to apply to residential neighborhoods with one acre lots. Maresch said this change presented a slippery slope and some of the

comments made in this meeting illustrated that, to include the question of how many goats were allowed and what if people wanted to have cows on one acre lots. What size fence would need to be put in place to accommodate these kind of uses? Lastly, he thought the Zoning Code is in place for a reason and believed in strong zoning. He felt that amending the code in this manner would change the character in his neighborhood in a way that would not improve it and would negatively affect his property value. As much as he supported the theme behind having goats, there were plenty of properties that could be purchased in South Russell or otherwise where people can have goats. It would not be appropriate for Lake Louise.

John Relyea, Sheerbrook Dr., said he was against changing the Zoning Code. Not every lot in South Russell is almost 2 acres and this would impact every lot in the community. Where would it stop? Small pigs were referenced in the petition to support allowing residents to have goats. Once there are goats, how can you turn down sheep and then how can you then not turn down other farm animals? There is zoning for a reason and these rules existed in the community before most of the participants bought their houses. He did not come to the area to live on a farm or live next door to farm animals. Relyea has a family member with special needs who has a therapy dog and understands the benefit. However, there are other therapy animal options for children and adults with special needs that fit within zoning.

Patrick Holtz, Garden Park Dr. He said he loves Lake Louise, and the theme of the meeting is “love thy neighbor.” He provided the history of this part of the code pertaining to the changes of the area from rural to a semirural environment in 1966. As Northeast Ohio grew, South Russell had the good sense in 2014 to amend the ordinance to reflect the needs of a family for a pet pig. This is the current ordinance and everyone in South Russell could have a pet pig. He is asking in this same way that it be applied to goats. Holtz thought it was important to be sensitive to the changes in Northeast Ohio and the Village. There is growth without sprawl where the nature of East Washington St. is increasing slowly into South Russell. There are attributes of a semirural environment that the Village must maintain, or it will be gone, and Holtz felt that goats are part of this conversation along with cows. He reiterated that it is about “love thy neighbor.” Holtz and his family had worked hard and done due process.

Lorraine Sevich, Ridgecrest Dr., said she is a neighbor of the Holtz’s. Her children did 4H and she has had animals that she was allowed to have. Some of the animals they had were not allowed and were instead kept on a farm in Newbury. Sevich stated that the Holtz’s are wonderful pet owners, but in looking at the big picture five to ten years from now, she questioned what would happen if someone had goats or pigs and were not good pet caretakers. Newbury Township is governed by Ohio Revised Code and their animal laws are stricter than South Russell’s. Newbury residents would not be permitted in a subdivision to have goats, pig, or sheep even if they have two acres. With regard to residents who would not be good caretakers, how would this be governed and controlled? She has seen examples in Newbury and advised that it is tough to enforce.

Mayson Holtz, Garden Park Dr., provided details of the type of goats they own. She said that they would keep an eye on the goats so they do not tear apart their gardens or present an odor problem. They care about the community. Regarding people who do not care for their animals, Holtz said that people who decide to own goats should be informed about the responsibility involved. Holtz added that she has a disability, and the goats would help her and her sister a lot. They could get a dog or a cat, but it is like school. If the school does not fit, then you go to a different school. If the dog or cat does not work for her, she would get a different animal. This is why she has birds which she loves. Holtz concluded that

the goats would really help her and her family and could potentially help other people. Her family's efforts are for the community.

Mary Milko, Bell Rd., stated that as the owner of four sheep, seven chickens, and the mother of two daughters in 4H, she supports a family that would like outdoor pets. Geauga County has always prided itself in its ownership of livestock and 4H, and Geauga County has one of the greatest County Fairs. It has also been voted one of the greatest places to raise a family, and she did not think this is a coincidence. She was sure Council could come up with an amendment that would set a precedent.

Jim Flaiz, Sheerbrook Dr., is the president of the Chagrin Lakes HOA and the previous president of the Bellwood Club. With this experience, he stressed that this change would apply Village wide. In looking at the Village's platted subdivisions with R1-A zoning, most are not one acre. Bellwood and Bel Meadow are mostly one acre lots, but in Chagrin Lakes, it is one acre density and most of the lots are $\frac{3}{4}$ of an acre. Another unique aspect of the Village's zoning is that it has grandfathered in the setbacks for the various neighborhoods. The larger setbacks are not imposed on the older neighborhoods. The houses are pretty close together and it is important to consider this change from the perspective of the different neighborhoods. The Village zoning allows for flexibility. Agriculture is permitted in a residential zoned area if there is a five-acre lot, for example. There are a lot of other places in the county that offer more flexibility. From the HOA perspective, there are different levels of regulations in the HOAs. When Council makes such changes, it forces the battles down to the HOA level and the HOAs must expend money to try to enforce the rules that were written long ago. Chagrin Lakes only allows household pets and could be forced into court to fight legal battles. People live in South Russell to enjoy the protections, like this ordinance, so that their neighbors do not have to spend the money to fight the battles. The Village should protect all residents, which is what he is asking it to do.

Tom Fowler, Countryside Dr., explained he is on the Board of Trustees of Country Estates. Speaking on behalf of the majority of residents of Country Estates, the nice thing about living in South Russell is living on the edge of Cuyahoga County while enjoying the benefits of Geauga County. The HOA bylaws state that privacy fences and electric fences are not allowed in the neighborhood. If goats were allowed, the majority of the neighborhood would change dramatically. Privacy fences would go up with people who want to keep out their neighbor's goats, farm animals, etc. It would change the outlook not only of his neighborhood, but of the Village. If he wanted to live in a closed off neighborhood, he would live west of here. He urged Council to think long and hard about changing this ordinance and how it would affect the outlook and neighborhood community aspects of the overall community.

Patrick Holtz said there has not been a running of the pigs. Theoretically, every person in South Russell could have a pet pig. Holtz said he has worked for the Northeast Ohio Areawide Coordinating Agency (NOACA) for five years. The biggest issue faced in this region is that it is not a region that is growing but it is still moving and there is sprawl. He stressed that East Washington St. is going to be Bell Road and Chillicothe Road. The semirural nature of South Russell and Geauga County will be gone. Holtz also explained that goats are not cheap, and to make sure they are quiet, it is necessary to buy two. In order to get the goats, he had to do a petition, have two hearings, and probably several readings will be necessary to get the legislation to be considered. He said the larger issue as a region is the focus on maintaining the semirural nature of Geauga County before it is gone.


Karl Maresch responded to a point made by Holtz, that all residents can have pigs. This was not accurate. Residents may have a pet pig that is 15" x 24", and when the ordinance was amended, it incorporated $\frac{3}{4}$ of a page of restrictions on what the pig can and cannot do. It also includes the potential penalties for violating the section. The most notable provision of the amendment in 2014 is that pigs

must be kept inside the residence as a pet and cannot be kept outside in pens. They can only be outside for short periods of time. That is not what is being proposed in this case, but rather a pasture on a residential street in a neighborhood with houses close to each other. It is difficult not to object to what the family is trying to accomplish, but there are other places they can move where it is not necessary to change the scheme for everybody for this particular use. It has not been changed for pigs. Rather, the Village has allowed for a small pig that is a household pet which is quite different from the current request.

Mayson Holtz explained that their goats are not just livestock used for milk or bacon. They are part of the family. The law would not be changed for just one family, but for everybody. Some people have said they want community and do not want any livestock animals in South Russell. South Russell is in Geauga County and is known for the County Fair. When some people think goats, they think mountain goats. Her goats are not loud. When people think goat, they think screaming goats. Because of the ordinance, she has met a few people who wanted to get Nigerian Dwarf goats. Her goats are not livestock, but a part of her family. They are not a dog or cat, but other animals that can be loved just like a dog or cat. They could just move to Newbury, but her family is here, and they have made a beautiful home that they cannot just pick up and move. They have a whole life here and do not want to start a farm. Her family is not trying to prove a point and just want the animals to be accepted as other animals.

Kevin Goodman addressed the difference between a privacy fence and a corral. A privacy fence has to do with separating properties where a corral has more to do with containing a dog or in this case a goat. He returned to South Russell because of the variety of the land and people. He is not concerned about his property value in any way because his neighbors maintain and invest in their properties. He suspects that a goat or pig here and there will not do much against his property in Geauga County where it might in Shaker or University Heights. The goats are not vicious animals and the corrals do not have to be that high. He thought the fence put up by the Holtz's was well suited. If his property values are affected by goats or animals, then he came to the wrong city because then he misjudged the value of what the city is. He said a fence can be codified as can a number of goats. They were not asking for a herd of goats or sheep. He said the goats were a known good animal for a pet. There are animals that would be in the litany of other known animals that are not good pets, like tigers, elephants, or monkeys. These are goats and his property value is secure. He added that as a parent he made sure that the ADA was in place for his son. It is a strong federal act that protects people with special needs and can also be codified.

The Mayor adjourned the Public Hearing at 6:53 p.m.



William G. Koons, Mayor



Danielle Romanowski, Fiscal Officer

Prepared by Leslie Galicki