

Planning Commission Meeting January 9, 2018

- I. January 9, 2018 meeting of the Planning Commission was called to order at 6:00 pm. Present were Mrs. Gaugh, Mrs. Spencer, Mrs. Parlongo, and Mr. Zingaro. Mrs. Jones had resigned from the board, as well as Mr. Perkoski. Mr. Perkoski had been elected to City Council. Mr. Zingaro opened the meeting as Vice Chairperson, due to the absence of Mrs. Jones. Mrs. Spencer made a motion to approve the November meeting minutes with Mrs. Gaugh seconding, motion carried. There was no old business to discuss.

- II. Public Participation.
There were no members of the general public present at the meeting.

- III. New Business
The first order of business was to elect the Chairperson and Vice Chairperson. Mrs. Parlongo nominated and made a motion for Mr. Zingaro as Chair. There were no other nominees. Mr. Zingaro accepted the nomination and Mrs. Parlongo seconded the motion. Motion carried, and Mr. Zingaro will serve as Chairperson for 2018. Mr. Sedmak was asked if he would like to remain as Vice Chair, but he declined. Mrs. Spencer then nominated Mrs. Gaugh for Vice Chairperson, which was accepted by Mrs. Gaugh. Mrs. Parlongo seconded the motion, and motion carried. Mrs. Gaugh will serve as Vice Chairperson for 2018. The next item of business was discussion of ordinance 101-17, regarding the mass removal of trees. Mrs. Parlongo stated she could not find ordinance 713, referenced in the new ordinance to be repealed and replaced by 101-17. Janet Brown cited that the change is that the new ordinance bypasses the need for logging applications to go before the ZBA as a conditional permit, and allows the Zoning Dept. to grant the permit directly. The new ordinance also states that the Zoning Inspector or an arborist selected by the city and the owner or his/her representative shall together inspect the area to be selectively cut. Mr. Zingaro said he had trouble finding the original ordinance as well. Ms. Shubitowski said she felt that any ordinances concerning zoning should be under sections 11 or 13. Mrs. Brown said she had trouble finding the original ordinance as well. Mrs. Spencer asked if the property owner would pull the permit, and Ms. Shubitowski stated that the permits are issued to the property owner, and they hire someone to do the work. Mr. Sedmak asked, "doesn't this have to be brought up in a public meeting for a zoning change?" Mrs. Brown said, "according to Jim, the Planning Commission would approve the change. It doesn't have to go through council." Mrs. Spencer said the comprehensive plan all had to go before a public meeting. Mrs. Brown asked if they would put a notice in the paper? Mrs. Spencer said yes. Mr. Zingaro stated that in the past, zoning changes went before Planning Commission, then to the ZBA for a public meeting, then went to Council for approval. Mrs. Spencer said "we had to do that for where Rose's are building out there." Ms. Shubitowski cited the change to the Occupancy Ordinance that went before Planning and then to City Council. Mrs. Gaugh agreed, stating that "we are just

supposed to recommend, and we're also supposed to have a liaison from the council." Mr. Sedmak stated he was almost sure it has to be brought before a public meeting for any zoning change. There was discussion regarding the person from council, and Mr. Zingaro interrupted to get the meeting back on track to the ordinance. Mr. Zingaro also requested that public participation be inserted before old business in the future. After new business, he also requested "good of the order" to discuss things we get sidetracked on. Mr. Sedmak asked if there were goals to make it easier for the property owner. Mrs. Brown said they're finding that when it comes before the board, it's not making much since, as it's not a variance they're requesting, it's a conditional use permit. There was nothing that the zoning department couldn't handle. Ms. Shubitowski also pointed out that there are generally time schedules that the loggers have to try to adhere to. Mrs. Gaugh asked, "when do they decide when an arborist is needed?" Ms. Shubitowski said, "that's a little vague". Mr. Sedmak asked if that was in the old zoning code, and Ms. Shubitowski said it wasn't. Mr. Sedmak believed determination of which trees are to be cut done should be up to the property owner. Mr. Zingaro felt an arborist might be necessary with a very old or rare tree. Mr. Sedmak reiterated his belief that if it's on the owner's personal property, then it is their tree to decide. Mrs. Parlongo pointed out that Township Park had about 100 trees they took down affected by ash borers, and she believed that the commissioners and park directors just went around and selected the trees, and she didn't believe they had gotten a permit. Ms. Shubitowski pointed out that they were not doing it for purposes of commercial logging. She asked if she had a tree in her yard that needs to come down, then I don't need a permit for that, correct? Ms. Shubitowski replied "no". She went on to point out that there was a minimum number for timbering that was increased from 4 to 12 trees on this ordinance. Mrs. Parlongo asked if an owner cutting trees for their wood stove would need a permit, and Ms. Shubitowski and Mr. Zingaro said no. The ordinance addresses timbering or commercial cutting. More discussion ensued regarding the arborist, with Mr. Sedmak stated if that was removed, he would be in favor, but if "arborist" was left in, he was not. Mr. Zingaro said, "if we take the arborist out, or leave it in, and then it's sent to the next organization, they have the option of amending it." Mrs. Gaugh said, "so why do they care what we think?" There was discussion relating to if all three bodies had to be involved. Mr. Zingaro said how he read it, it was one of those three, (meaning zoning inspector, arborist, or property owner/representative). Mrs. Parlongo said "that's how I read it". There was a great deal more discussion questioning what exactly this meant. After reading the section again, Mr. Zingaro felt it meant that one of them, (meaning zoning inspector or arborist) and the owner. Mrs. Gaugh said she would feel more comfortable if "or" was inserted before arborist, making it more understandable as to who had to be there. Mr. Sedmak felt arborist should just be scratched out. Ms. Shubitowski added that sometimes the owner is not living within the area, but his/her signature was necessary. Mr. Zingaro asked for a motion to insert "or" before arborist. Mr. Sedmak asked if there had been any problem in the past, and Ms. Shubitowski said the only problem she'd had was the last one on Middle that began without getting a permit. Mr. Zingaro said, "so what did we decide?" Mrs. Parlongo said "we have to say that it's ok with us and we have to send it along to council." "So, I have to make a motion that we accept the ordinance as it is right now and

pass it on to council." Mrs. Spencer seconded the motion. Mr. Zingaro asked for any more discussion, and Mrs. Gaugh said she just wasn't sure about the arborist. She said "I think we should just take it out." Mr. Zingaro asked for the vote, saying we have a motion to accept as written. The motion passed 3-2, with Mrs. Gaugh and Mr. Sedmak voting against. (Note: on review and preparation of minutes, Mrs. Parlongo had orally voted yes at 18:25 on the recording, and checked no on the decision sheet, and was determined to be an error. Her vote was actually the yes vote orally given during the meeting.)

The next issue was of Ordinance 100-17 to amend sections 1137.05(b) 1137.05(c) and 11.37.07(a) regarding hearings and decision of the board. Mrs. Parlongo said the only difference she saw in the first paragraph was switching responsibility over to zoning, and Section 1 B is new, and so is 2, which allows executive sessions. She asked if the ZBA had ever gone into executive session, and Ms. Shubitowski stated they did, and it was something Law Director Kyle Smith had brought into the ZBA and initiated somewhere around June. Section 2 increases the amount of time given the ZBA to render decisions from 20 days to 60 days. Mr. Zingaro then cited Section 3, changing the order for public hearing from the board to the zoning inspector. It also changes placing of notice to at least 10 days prior to the hearing, and amends notices to neighbor's property owners contiguous to the subject property and those directly across the street at the mailing address listed on the County Auditor tax list. Ms. Shubitowski said that wasn't a big change from current practice of sending to all properties within 200', omitting some of the notices that would be sent. Discussion drifted from the ordinance at that point, and Mr. Zingaro pulled discussion back to the matter at hand. He asked for opinions of where the board stood. Mrs. Parlongo said she was concerned that public would have concerns if there wasn't sufficient notification on specific issues. Ms. Shubitowski had pointed out that Jim Hockaday had told her and Janet at the beginning of last year that only one publication was needed at the beginning of the year, outlining the scheduled meeting dates through the year. Only special meetings would require separate publication. Mrs. Parlongo cited several years back when they wanted to change zoning on Chestnut street and had people from all over to comment on it. It was also pointed out that this meeting was re-scheduled, pushing it back from Jan 2 to Jan 9, which did not allow publication. Mr. Zingaro stated that was a different issue, involving a zoning change, rather than an ordinance change. Mrs. Parlongo asked, "what if a zoning change comes up?" Mr. Zingaro said "then the zoning board will have to deal with it." Mrs. Parlongo said, "we recommend the change and Council holds the hearing, at least that's the way it used to be." Mr. Zingaro agreed. Ms. Shubitowski added that ordinance changes have to have three readings before passage. Mr. Zingaro said "when I read it, it seems to be fallout from the auto parts store." Ms. Shubitowski said that one of the biggest problems with O'Reiley's was that they were going for so many variances. Mr. Zingaro asked, "so with regards to this ordinance, do we send it to Council? Since it affects your office, then maybe we should hear from you." (directed towards Ms. Shubitowski) She said that her office was sending out notices to neighbors now, and the changes would actually ease that burden a little bit. Mr. Zingaro asked her, "other than zoning changes, have you had any neighbors that have come forward?" Ms. Shubitowski said there have been quite a few neighbors

that have challenged the cases, in fact one that we summoned the police to ensure order. She stated that she felt comfortable with the changes presented in 100-17. Mrs. Gaugh made a motion to approve ordinance 100-17 and pass along to council. Mrs. Parlongo seconded the motion, and all were in favor. Motion carried. Mrs. Parlongo asked Ms. Shubitowski if ordinance 13-17 had been approved by council. Ms. Shubitowski would check on that, because she wasn't familiar by the ordinance number.

IV. Good of the order.

Mrs. Spencer questioned why the new ordinances presented were identified as 101-17 and 100-17, rather than 101-18 and 100-18. The assumption was that it went by when they were written up. Mrs. Parlongo said that "council approves the ordinance, we're just saying the changes are ok." Mr. Zingaro said they can number it.

The discussion changed to one of requesting a liaison from City Council. Mrs. Gaugh said "there's always questions that we have and nobody to answer them." Ms. Shubitowski said she would bring it up with Debbie Newcomb.

Mrs. Parlongo had an issue when her printer was not working, and she had to come up to City Hall to get agendas etc. She said that we used to get packets in the mailbox in City Hall. "Is there any way we can do that again"? Ms. Shubitowski said that we could.

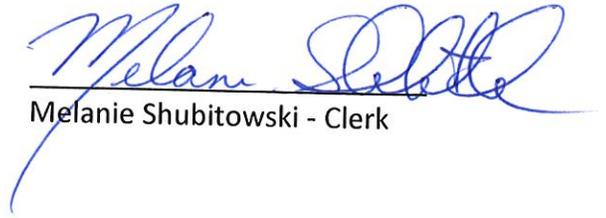
Mr. Zingaro said "I assume we're still responsible for vacant properties". (meaning appeals) Ms. Shubitowski said yes, and there were several things that could be appealed to the Planning Commission besides vacant properties, but we only had one that followed through. Mr. Zingaro said that we had another on Lake road. The one he was referencing did not go all the way to the Planning Commission as the owner died. Mr. Zingaro then asked for clarification if packets would be in City Hall or sent out electronically. Ms. Shubitowski stated that it would still be sent electronically, but we'll also have copies in the mailbox. Mrs. Brown asked how much time they wanted to review the agenda. It was agreed that Friday before the meeting would work. It was asked if anything was known on O'Reiley's. Ms. Shubitowski said they were still interested, but there had to be more changes to ordinances. If they were to simply re-apply, the ZBA would have to deny permits if the number of variances were significant. The next meeting will be on February 6, 2018.

V. With all business covered, Mrs. Spencer made a motion to adjourn, which was seconded by Mrs. Gaugh. All were in favor, and meeting was adjourned at 6:43 pm.

The minutes of this meeting were compiled by Melanie Shubitowski



Joe Zingaro, Chairperson



Melanie Shubitowski - Clerk