

## **Planning Commission Meeting February 6, 2018**

The Conneaut Planning Commission met for their regular monthly meeting on February 6, 2018, beginning at 6 pm. Role was called, in attendance were Mr. Zingaro, Mrs. Gaugh, Mrs. Parlongo, and Mrs. Spencer. City Manager, Jim Hockaday and Cris Newcomb were also in attendance.

Mr. Hockaday began by outlining voting procedures, referring to the split votes in the January meeting over ordinances that were passed on to City Council. He stressed, "it's ok to have no votes, in fact, it may be beneficial to put that response in writing so council can see it." "The only thing it changes, is the number of votes by which they have to pass it by in order to accept it." Mrs. Spencer asked, "So if we don't recommend something, they have to have more votes to pass it?" Mr. Hockaday said yes, "you have to have an almost unanimous vote by council in order to pass something not recommended by the Planning Commission. If there is a disagreement, I'd rather see the Planning Commission write out that we really had a problem with this part. Council may even remand it back to administration and say I want you to look at that differently, re-write it and re-introduce it, and that's ok. That is the constructive part of this process, intended to be a democratic process. It works if you express your opinion, and you can be more lengthy than just a simple yes or no vote." Mr. Hockaday said he had wished he could have been at the January meeting, because there were a few provisions that he wasn't entirely happy with in the ordinance for mass removal of trees. He said it puts in a provision there that a commercial property cannot be cleared unless we have an approved building plan on the site, which becomes problematic if you already have a site covered in trees. He said "the number one threat to a lot of our commercial land in Conneaut is wetlands, and forested wetlands are the worst class of wetlands, because they're do not touch." "The way you combat that is keeping trees off the property. If that means you can only do clearance with an approved Planning Commission approval with a site plan for it, you're not always going to have a developer interested in that site." There had also been some concern about the certified arborist, and Mr. Hockaday felt those things should be noted.

Mr. Hockaday addressed a few issues that arose, the first being where one person recorded their written vote differently than their verbal vote. It was corrected in the minutes, and he felt that it could just be re-voted on. He went on to say it could be passed with recommendation to change or modify aspects of the ordinance, passed with reservation, or no unless something is changed. He said, "You can notate it however you want, and I'm ok with that." He went on to say that "we're going to try to keep them coming, we're working on this next council meeting at which again they're going to be introduced at council, and then they will bounce over to Planning Commission, the Planning Commission will be able to dispense with them and return it back to Council, and Council will take whatever appropriate action at that point." "Our goal is not to let these things languish." "If we make a modification, we road test it a little bit and it needs modified again, we can modify it again. The only time code becomes truly problematic is when we don't touch them for forty years, then it becomes nothing to resemble the reality

we live in.” Other codes coming to the Planning Commission soon include the Comprehensive Plan, which spent a year in debate. Mr. Hockaday said, “For your purposes, I would ask that you take a look at the appendices at the rear, starting on page 89. That is the Planning Commissions list of items to look at.” CT Consultants recommendations will be shared with the Planning Commission. He said if the Commission prefers to have representatives from CT come in, we can bring them back as well. He said some of these will get kind of complicated in nature to do, so we can use them for guidance and clarification.

Mr. Sedmak asked, “Is there a time frame when you want these done? Mr. Hockaday replied, “I do not, so typically a comprehensive plan is a 5 to 10 year projection.” Mr. Sedmak said, I’m talking about all these points back here, you want us to address all of these?” Mr. Hockaday said, “Yes, it will depend greatly on how quickly administration can grab them, draft them, throw them to Council, Council will throw them to Planning Commission, so the pipeline has a definitive width.” “I think we can address the lion’s share of these within a year to 18 months.” Mrs. Gaugh asked if bed a breakfast was a priority. Mr. Hockaday said “absolutely”. Mr. Zingaro asked if “the Commission could look at the tree ordinance and then have some input as to what we should do and then go on to the comprehensive plan”, rather than just going back and forth between the tree ordinance and the comprehensive plan. Mr. Hockaday agreed. Mr. Zingaro wanted to know some procedure as we go along, and felt the tree ordinance was a good place to start.

#### Old Business – review of ordinance 101-17

Mr. Zingaro said the first question was the 17, referring to the year in the ordinance. He asked, “If it was brought up in 17, does it matter that it’s not 18?” Mr. Hockaday said no. Mrs. Gaugh asked, “What was the intent of constricting the owner of the property? Mr. Hockaday replied, “It doesn’t, it actually relaxes a lot.” He went on to say, “the problem with the process now, is that they name the field body, the Zoning Board of Appeals, the issuance of that permit. That should never happen.” “They are an appeal body; you spoil that body by making them the administrative agent. The administrative agent should be Janet or Melanie or Kelley, or someone from the administrative offices.” By spoiling that, your only appeal then would be to a court, which comes at considerable expense to the city and slows the process down. It slows the process down in the first place with the ZBA granting the permit because they only meet once a month. “For commercial loggers to have to wait upwards of 30 days for the next meeting to have a hearing, that’s very onerous on a property owner, because log prices change relatively quickly.” Often a price is only good for 20 or 30 days. The proposed ordinance relaxes the requirement from 3 trees to 12. He said, “If you feel 12 is too few, it should be 20, that’s part of the input process that we’re looking for.” Mrs. Spencer wondered if another item should be added to the exemption because there are people in forestry programs and they are required to cut trees to be in that program, so “maybe that should be one of the exemptions.” Mrs. Gaugh asked what the intent was for the arborist. Mr. Hockaday said any forestry plan includes the sign off of a certified arborist. He added that he did not have a problem if the commission voted to drop that language. Mr. Sedmak said, “That’s why I voted no last time.” Mr. Hockaday said the language could be changed to say that programs regulated by CAUV or other agricultural programs shall be exempted from having to obtain a permit prior to the

harvest. He added that the board could vote on individual amendments. Mr. Zingaro asked, "How do we communicate that back to Council?" Mr. Hockaday said "we can either write it up, or maybe even type it up really quickly and you guys have a signature or decision sheet, type up the amendment quickly, then once you've had a voice vote on it, have you guys sign off on the signature sheet with those recommended changes. He said we could just write it down and have the zoning office bring it around to you to sign later if that's more convenient. "Every one of these ordinances is going to go a minimum of 3 readings with Council. Unless there's some dire emergency, we don't go in there and pass things by emergency." Mr. Hockaday said part of the process is a public and open process, and we want people to be able to provide input. Mr. Zingaro asked if the items could be grouped. "We have 2, one is the addition of another exemption, and the other is the changing of the "comma or" to the arborist." Mrs. Gaugh said, "That will have to be discussed." Mr. Hockaday said you can make a suggestion and see if you have the support of the group. He said most of the loggers are arborists, and cited Tibor of 1-2-Tree and Brobst, but was unsure if Levi of Osburn was certified. He said you could deal with it one of 2 ways, you could increase the number of selective cuts defined as requiring a permit, or you could drop the requirement for an arborist. Mr. Zingaro added, "We don't want to necessitate someone to do it if it's not needed." Mr. Hockaday said if the property owner hires a certified arborist and they make an inspection of it." Mr. Sedmak interjected, "Here's what I don't want, I don't want the city or the government to come in with an arborist and say you can't do that." "I believe if someone owns a property, they should be able to do what they want with that property within reason." Mr. Hockaday pointed out something it would apply to, say, you have 200-forested acres, and that property abuts Conneaut Creek, the city has a right to protect that. Mr. Sedmak said, "I'm talking about the guy on top the plateau that wants to cut 25 trees down." Mr. Hockaday said, "If he wants to do it and he meets all the criteria, I don't think there's a problem with that." He said it's just that "there are some loggers that are incredibly responsible for what they do, then there's the ones that go out there and they moonscape it, and it goes well beyond selective harvesting, it goes beyond good forestry management practices or sedimentation control practices, in some cases, it harms the present value or future value of that property by their timbering practices." A certified arborist is licensed and personally responsible.

Mrs. Parlongo questioned if someone goes in and cuts down trees that aren't marked, is there a fine for that? The ordinance outlines that the permit would be revoked. Mr. Hockaday said, yes, Chapter 713.99 states that violations shall be fined not less than \$500 and not more than \$5,000 for each offense. He also pointed out the previous change to the performance bond that we are not a repository to large amounts of cash, saying, "I much prefer a bond, - a \$10,000 bond would be \$100 for someone to go get, it's not cost prohibitive."

Mr. Newcomb read the proposed change to the ordinances addressing the exemption for forestry programs and adding the "or" to the provision of the arborist. Mr. Zingaro asked for a motion to approve the changes. Mr. Hockaday recommended voting on them individually, rather than collectively. Mr. Zingaro then asked for a motion on the exemption. Mrs. Parlongo made the motion to accept, seconded by Mrs. Spencer. All were in favor, motion passed. Mr. Zingaro then asked for a motion regarding the addition of "or" in regards to the provision of an

arborist. Mrs. Parlongo made a motion to accept, seconded by Mrs. Spencer. All were in favor, the motion passed. Mr. Zingaro asked for a motion to accept the ordinance with the two changes. Mrs. Gaugh made the motion to accept, seconded by Mrs. Parlongo. All were in favor, motion carried.

#### **New Business - Review Comprehensive Plan**

Mr. Hockaday explained that this is an acceptance to a plan, and it is a guidance document. Three broad things the Comprehensive Plan did: First we reviewed the last Comprehensive Plan that was done in 2002 and looked for the things that are still relevant and in some cases irrelevant and what we need to do to change and/or carry over into a new plan. The second was to identify all the projects, the pieces of code that we would recommend for change and itemize everything out. Third part was it went through a series of public meetings and did a ranked order of prioritization on the need for those changes. Therefore, we have two things: the need for changes and how important those changes are to the overall plan. The plan shows in order of priority how relative these items are and a time frame they should be dealt with. This document by grant agreement states this is a guidance document; it is not a document that is intended to become law. What happens here is the Planning Commission participated in the formulation of the plan and all members of this board are technically members of the steering committee. The steering committee tried to take a very broad cross section of the City of Conneaut including small businesses, business members, large manufactures, small manufacturers, retailers to make sure they all have influence and input and of course local residents that are geographically distributed over 27 miles of our City. This is the plan that they (steering committee) came up with, obviously, the city was a participant in this but CT acted as an independent consultant and was driven by the Steering Advisory Committee and I think they did an excellent job.

Mr. Zingaro asked if this is a flexible document – and Jim said yes this is a flexible document, if circumstances change and I will use this as an example – we talk about Zoning changes, if we look at the map we know at least 10% of our map is wrong right off the get because we have Zoned M-1 Industrial everything that is now Turkey Creek Metro Park. At some point we need to re-zone that area so that is appropriately open space, we know it has conservation needs, we know it really can't be anything else, so we need to clean that up.

Today's meeting is all about accepting the Comprehensive Plan in its present format, unless you see something you do not agree with.

Mr. Zingaro asked if there is a timeline or a date deadline. Jim said he needs the plan accepted by council no later than March 31<sup>st</sup>, because that is the final deadline on his grant agreement.

Mrs. Gaugh asked about the Zoning Changes and if they require a public hearing. Jim said, yes they do require a public hearing.

Mr. Zingaro asked for a motion to approve the Comprehensive Plan

Paul Sedmak made motion to approve and Judy Parlongo second the motion

Roll called – all approved

Meeting Adjourned at 6:58 p.m.

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**Joe Zingaro, Chairperson**

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**Melanie Shubitowski - Clerk**