

Zoning Board Commission Meeting Minutes May 17, 2018

7:02pm meeting came to order

Pledge of Allegiance was said by all

Organizational Meeting opened:

1. CHAIRPERSON VOTE:
 - a. Becca nominated Cass for Chairperson.
 - b. Jerry seconded it.
 - c. Roll call vote taken: all members voted yes.

2. VICE CHAIRPERSON VOTE:
 - a. Becca nominated Stacey for Vice Chairperson.
 - b. Jerry seconded it.
 - c. Roll call vote taken: all members voted yes.

3. SECRETARY VOTE:
 - a. Stacey nominated Becca for Secretary.
 - b. Jerry seconded it.
 - c. Roll call vote taken: all members voted yes.

4. Jerry advised the group he will be out of town alot the next 12 weeks for work (if all goes well). Questioned will he able to participate in the meetings "telephonically" or does he have to take a leave of absence? [Donna will call the Asst. Prosecutor and advise us at the next meeting.](#)

5. REGULAR MEETING TIME SCHEDULE ESTABLISHED:
 - a. Cass motioned we meet at 7pm on the 1st and 3rd Thursdays each month unless that is on a holiday at which point it would fall to the following Thursday. Next meetings June 7th and June 21st. Donna will put in the paper & we will get it on the Trustee Facebook page also.
 - b. Becca seconded.
 - c. Roll call vote taken: all members voted yes.

7:13pm Organizational Meeting ended:

- a. Cass motioned 7:13 to adjourn organizational meeting.
- b. Becca seconded.
- c. Roll call vote taken: all members voted yes.

7:15pm Business Meeting called to order:

- a. Cass motioned 7:15 that Business Meeting be called to order.
 - b. Becca seconded.
 - c. Roll call vote taken: all members voted yes.
6. Fiscal Officer – Donna Riley
- a. Donna gave zoning materials to Becca, Rick and Jerry (Cass & Stacey already had theirs). All members now have their Zoning Commission materials.
 - b. It was discussed about prior members not returning materials and Donna inquired how she can get people to return the materials when they leave office. Cass she would send a standard form to Donna to modify. [Donna can review a draft with the Prosecutor and present to the trustees for approval. Then Zoning Commission members will sign it.](#)
7. Open Discussion – Zoning Board Members asked about general questions.
- a. The group of new members asked what previous items could we pick up from the prior Zoning Commission. Stacey indicated there was nothing of value done. We needed to start over. There was nothing for us to work on from the previous Zoning Commission.
 - b. Cass brought up that we might want to brainstorm some topics that we thought might need addressed and mentioned some that had been up at a Trustee meeting a few weeks ago:
 - i. **BUSINESS IN RESIDENCE:** At one of the trustee meetings, a concern was raised regarding some “business in the residence” detail someone thought got missed in the 2015 version from the 2008 version. The square footage of 1,500 seemed to be missing in the new zoning regulations. There was robust discussion with community members who were present—NO DECISIONS MADE.
 - ii. **LOW INTENSITY BUSINESS:** Discussion took place that better definitions are needed for “low intensity” (page 22 item # 345 and page 45 item # 613) vs “high intensity” business. And citations issued if those are violated —NO DECISIONS MADE.
 - iii. **SHOOTING RANGE:** Topic of Wellington zoning having banned a shooting range was mentioned—should our township consider this? NO DECISIONS MADE.
 - iv. **MARIJUANA FARM:** [Donna has some information on this that she needs to provide to the Zoning Commission – NO DECISIONS MADE.](#)
 - v. **LOT SIZES:** A community member mentioned the 3 acre lot size should be looked at by the Zoning Commission. In the past, the minimum was less than 3 acres and should be reviewed to potentially be reduced back to the smaller minimum – NO DECISIONS MADE.
8. Zoning Report: Cass asked Marshall Goff if there was any Zoning report or items for us. He said no.
9. Cass provided a 9 page handout to the Zoning Commission on some “key topics” everyone should read & understand since 4 of the 5 of us are new to our roles:
- a. Page 1: Sec. 701 and 702 of 75 page 2015 Sullivan Twp. Zoning Booklet (Organizational items: electing officers, etc).
 - b. Page 2: Purpose of Zoning Board (page 45 of Ohio Twp Sourcebook & page 75 of 2015 Sullivan Twp. Zoning Booklet).
 - c. Page 3: Roles of Trustee, Zoning, Appeals & Inspector (page 45 of Ohio Twp. Zoning Sourcebook).
 - d. Page 4: Role of Zoning Commission (page 32-33 of 45 page Ohio Twp. Zoning Sourcebook).
 - e. Page 5: Role of Trustees (page 30-31 of 45 page Ohio Twp. Zoning Sourcebook).
 - f. Page 6: Allowable Communication (page 87 & 94 Mike Dewine 256 pg. Sunshine Laws). **NEED TO UNDERSTAND THIS.**
 - g. Page 7: Zoning Amendment Process (pg. 23-26 Ohio Twp Zoning Sourcebook & pg. 28 Sullivan Twp. Zoning Booklet).
 - h. Page 8: Meeting Notifications (page 99 Mike Dewine 256 pg. Sunshine Laws).
 - i. Page 9: Meeting Minutes (page 100 Mike Dewine 256 pg. Sunshine Laws).
10. MOTION WAS MADE TO POST OUR MEETING TIMES & MINUTES ON TRUSTEE FACEBOOK PAGE:
- a. Cass Motioned.
 - b. Becca seconded it.
 - c. Roll call vote taken: all members voted yes.

8:06pm we closed Business Meeting and Opened the Meeting up to the Public.

Opened the Meeting up to the Public.

11. The Head of the Zoning Appeals Board suggested that members read the Ohio Revised Code regarding Agricultural. He expressed a concern over the enforceability of any zoning related to biosolids based on recent discussions in the community on the topic.
12. Residents Mr & Mrs Crow presented a Resolution/Amendment regarding biosolids to the Zoning Commission.
 - a. Only one copy was provided. So Cass indicated she would get copies to the other four Zoning Commission members and also to the Fiscal Officer Donna for the Public Record within the next few days. And that a copy of the one page Resolution/Amendment would be made available at the upcoming Public Hearing as well.
 - b. Cass explained steps for Amendments/Resolutions submitted to the Zoning Commission are:
 1. Within 5 days Becca needs to send the Resolution/Amendment to the Ashland Planning Department of having been submitted to the Zoning Commission.
 2. The Zoning Commission needs to set a Public Hearing Date no sooner than 20 days and no later than 40 days from the time the Resolution/Amendment was presented.
 3. At that Public Hearing they would need to read aloud the Resolution/Amendment and any inputs from the Ashland Planning Department.
 4. Cass indicated she would get the Public Hearing date set to meet these requirements as well as get the hall reserved, have Donna get notice in the paper, have it put on Trustee Facebook page & get a stenographer as required.
 5. After that Public Hearing, the Zoning Commission would need to forward a recommendation to the Trustees (approved by roll call majority vote).
 6. Trustees must hold another Public Hearing and approve/modify/deny the resolution/amendment.
13. DISCUSSION OF THE BIOSOLID TOPIC BY RESIDENTS – ***NO DECISIONS MADE:***
 - a. Several residents brought up feeling sick when biosolids are currently being spread on the fields near their homes. There was discussion of complaints about the smell. Discussion took place on Quasar managing the Wooster WWTP and being sued by the EPA and that now that Wooster is managing it without Quasar, odor complaints have decreased.
 - b. Discussion took place about differences in Class A and Class B biosolids (pathogen levels). Multiple individuals shared information regarding dangerous pathogens in Class B biosolids (from the EPA website). Comment was shared that at the Sullivan Twp. Trustee's meeting, the Trustees had expressed a view that biosolids are "hazardous waste not fertilizer" and that cleaning emergency vehicles that respond to Class B sites would be required and would be expensive and cost prohibitive.
 - c. One resident who is related to someone who has a Class B permit expressed his opinion that Class B biosolids are safe and harmless-- no difference from animal manure. Indicated his brother is using the biosolids on his fields and will be planting corn in the next 3 weeks and stated the corn will be harvested and sold to Centerra feed. He and his family do not believe there are any risks with biosolids based on Ohio State Extension information. Feels his family and his 22 year old brother who owns the biosolid site are being harassed.
 - d. Discussion took place regarding concern over deer being on property that had Class B biosolids and could harvesting deer in the Fall be a problem? Amish relying on the deer for meat. Deer and dogs walking through the property with piles sitting there—animals then bringing the biosolids to other's people's properties unknowingly? Deer eating forage from the site within 30 days of biosolids having been present—contaminating the deer? Info on EPA website about needing to not be on the field for 30 days and no grazing for 30 days after application.

- e. Discussion took place regarding a hearing that had taken place last month at the OARDC regarding biosolids (Canaan Residents against Poop Pond). Testimony was given that the Auditor had told a resident their property would decrease 30% if the current biosolid lagoon project in their area goes through. Sullivan Twp. residents expressed concern about property values with biosolids if zoning is not amended. While 12 sites are on the EPA website as approved, many long-term residents say they have never seen a field in Sullivan Twp. with land application of the biosolids or any posted signs.
- f. Discussion closed out with the assurance that a Public Hearing will take place for further discussion as required for standard procedure.

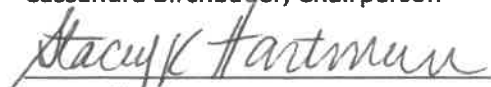
14. MEETING ADJOURNMENT:

- g. Cass motioned to adjourn the meeting at 8:33pm.
- h. Stacey seconded.
- i. Roll call vote taken: all members voted yes.



 Cassandra Birchbauer, Chairperson

6/7/2018



 Stacey Hartman, Vice Chairperson

6/7/2018



 Becca Mauer, Secretary

6/7/2018



 Rick Shumaker, Zoning Commission

6-7-18

NOT PRESENT

 Jerry Hodges, Zoning Commission

REMINDER ABOUT MEETING MINUTES:



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The Ohio Open Meetings Act
 Chapter Two: Duties of a Public Body

C. Minutes

1. Content of minutes

A public body must keep full and accurate minutes of its meetings. These minutes are not required to be a verbatim transcript of the proceedings, but they must include enough facts and information to permit the public to understand and appreciate the rationale behind the public body's actions. The Ohio Supreme Court finds that minutes must include more than a record of roll call votes, and that minutes are inadequate when they contain inaccuracies that are not corrected.

A public body cannot rely on sources other than their approved minutes to argue that their minutes contain a full and accurate record of their proceedings.

Because executive sessions are not open to the public, the meeting minutes need to reflect only the general subject matter of the executive session via the motion to convene the session for a permissible purpose or purposes (see "Executive Session," discussed later in Chapter Three), including details of members' pre-vote discussion following an executive session may prove helpful, though. At least one court has found that the lack of pre-vote comments reflected by the minutes supported the trial court's conclusion that the public body's discussion of the pros and cons of the matter at issue must have improperly occurred during executive session.

2. Making minutes available "promptly" as a public record

A public body must promptly prepare, file, and make available its minutes for public inspection. The term "promptly" is not defined. One court has adopted the definition applied by courts to the Public Records Act (without delay and with reasonable speed, depending on the facts of each case), to define that term in the Open Meetings Act. The final version of the official minutes approved by members of the public body is a public record. Note that a draft version of the meeting minutes that the public body circulates for approval, as well as the clerk's handwritten notes used to draft minutes, may also be public records.