

RECORD OF PROCEEDINGS

Minutes of **Greenfield Township Trustees** *Meeting*

February 5, 2019

Held 3:00PM

The Greenfield Township Trustees met in special session at the Fire House to discuss zoning policy and procedures and imminent court action. Kent Searle called the meeting to order and led those present in the Pledge of Allegiance. Dave Cotner & Kent Searle were present. Lonnie Kosch was absent. Fairfield County Assistant Prosecutors Joshua Horacek and Amy Brown-Thompson were also in attendance.

Kevin Yeamans was also in attendance along with the following Zoning Commission and Board of Appeal members were in attendance: Jack Barr, Jim Beiter, Larry Joos, John Reef and Kim Wickham.

Joshua advised the Prosecutor's office has received inquiries asking about zoning issues so they thought it would be a good idea to get together with those individuals involved so everyone was hearing the same thing and he would be providing the questions with their answers.

1. Are the Zoning Commission members and BZA members sworn in? Josh advised yes, each member has a 5-year term and are sworn in. He also stated that some townships just do it at the beginning of the term and some townships do it every year. If someone should fill a vacancy, then that person needs to be sworn in and sign the oath. Josh recommends that each member signs a written oath and it needs to be kept at the township.
2. Can the zoning be more stringent or can it be an exact of the ORC? Josh said that if we are thinking about a new amendment; send it to them to look over first. A townships authority to enact a zoning code is based on whatever authority the General Assembly gives them as stated in the ORC.
3. What is the role of the Zoning Commission (ZC) and the Board of Zoning Appeals (BZA)? The Commission is the body that reviews and establishes zoning resolutions and the BZA is the body that reviews and interprets zoning resolutions. If there is a question to construction as if the inspector has read it correctly then it is the purview of the BZA. If someone loses to the BZA and subsequently appeals to get the resolution changed, then they go to the ZC to advocate for a change in the zoning resolution. Changes come from one body and interpretations come from a separate body.
4. Questions on minutes and audio recordings. Recordings are a public record and need to be promptly delivered to the township fiscal officer and needs to be retained as a record until the township retention schedule allows it to be destroyed. Fiscal Officer Wyne stated our retention policy for minutes is "indefinitely" recordings are kept on the computer. Records and minutes needed to be delivered promptly after the meeting to the township, within a few days. Josh stated that the written minutes are the official record of the meeting and that goes for all the boards. Minutes don't need to be verbatim; however they need tell the story on what happened at the meeting. The minutes should be approved promptly but this can get tricky since ZC and

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the BZA don't meet regularly. Josh stated that the Public Records law states that minutes don't have to be approved and can stand on their own; however case law states appeals for BZ action; the timeline doesn't start to run until the minutes are approved by the BZA. Josh stated that the BZA should meet to approve the minutes when an action is taken that could lead to an appeal. ZC minutes should be submitted promptly; however they don't need to be approved until they need to have a meeting and if changes need to be made at that time that can be done. Josh said be consistent with what you post. Fiscal Officer Wyne asked if a personal recorder or cell phone is used does that have to be submitted and she was advised yes if you are part of the board meeting. If a private citizen wants to record they can.

5. Is it legal for the Zoning Inspector to place public notices in the paper stating it came from the ZC Secretary when the ZC Secretary did not place the notice? Josh stated that is a procedural issue, there is nothing not legal about it and the ZC Secretary should be placing the notice. As long as you have a clear procedure of who is handling it and following it. The more concerning thing is it not getting published.

6. Code of Rules and the duties for Zoning. Josh stated he pulled this off the internet from June of 2013: The Zoning Commission duties are to initiate amendments to the resolution and initiate changes to the resolutions and make recommendations to the Board of Trustees. That is the duty of the commission, to initiate changes. The Zoning Inspector & Commission should relay information to each other. It is the discretion of the Board as to how often the Commission should meet. Reasons for the Commission to meet are: if someone files a petition for zoning change, something is referred from the Board or amendments. Trustee Cotner asked if the Commission is allowed to discuss the issue that is coming up for a public hearing. Josh and Amy said that as long as it is at a public meeting it would be allowed. Fiscal Officer Wyne asked if there should be an agenda for public meetings. Josh said yes but it is not required by law but is a good idea as it serves as notice purposes. Josh suggested that if the Commission would have a meeting prior to the hearing, the Commission should let the person in the hearing know what was discussed at the public meeting if that person was not in attendance. Amy suggested having the meeting the day of the hearing, just prior to the hearing. Josh stated that pertaining to the ZC meetings; he has seen a lot of townships meet quarterly and then meet more often (monthly) if they are talking about changes to be made. Minutes will still need to be submitted, but will not be approved until the next meeting. Josh stated that it is not legally required to record meetings; however he feels it is a good practice. He also said hearings should always be recorded.

Trustee Searle stated that at the OTA conference there was a class on nuisance properties. They said that a township could handle these issues on their own by making a resolution in a public meeting, then filing a 14-day notice with that person to take care of the issue and if they don't respond within the 14 days, move forward. Take the action needed such as hire someone to cut the grass/weeds, hire a wrecker to remove junk cars, etc. Then have the cost attached to the property owner's tax bill at the Auditor's Office. Trustee Searle asked if we should take the

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action or turn it over to the Prosecutor's Office? Josh stated the township could take care of these issues as long as the ORC is followed. Amy suggested that all questions be discussed with the Trustees before contacting the Prosecutors Office.

There was discussion on the updated zoning book about how it is adopted and finalization.

Trustee Cotner made a motion to go into executive session at 4:16 p.m.to discuss litigation, seconded by Trustee Searle.

ROLL CALL: Cotner: Yes, Searle: Yes. Motion passed 2-0

Trustee Searle stated there will be no action taken from executive session.

Trustee Cotner made a motion to adjourn; Trustee Searle second the motion.

ROLL CALL: Cotner: Yes, Searle: Yes. Motion passed 2-0

Meeting adjourned at 4:34 P.M.