

Richland County
Planning and Zoning Commission Meeting
Community Service Building Conference Room
June 12, 2018
3:30 p.m.

Minutes

Called to Order: 3:30pm the meeting was called to order by County Commissioner Chair, Duane Mitchell.

Present: Duane Mitchell-County Commissioner, Loren Young-County Commissioner, Shane Gorder-County Commissioner, Stephanie Verhasselt-County Clerk & Recorder, Adam Smith-County Public Works Director, Kale Petrik-citizen member, Nichole Hoffman-Sidney Herald, Mike Weber-County Attorney, and Marcy Hamburg-County Planner & Zoning Administrator.

Approval of Minutes of Preceding Meetings: It was noted this was the Planning and Zoning Commission's first meeting, therefore there were no preceding meeting minutes.

Conflict of Interest: It was noted there were no conflicts of interest.

Staff Report: Marcy stated she had no staff report to provide.

Chair reads public comment guidelines: Commissioner Mitchell read the draft guidelines that were provided in the draft Planning and Zoning Commission Bylaws. Commissioner Mitchell read the guidelines as stated in the Draft Bylaws on pages 3.

Public Comment Including Comment on Agenda Items Not Scheduled for a Public Hearing: It was noted there were no public comment.

Old Business: It was noted there was no old business.

New Business

- **Discuss and review draft Bylaws:** The members agreed to ready through each Article to make sure everyone understood each Article.

Article I - Name: Commissioner Mitchell read the Article. The consensus of the members, were okay with the Article as written.

Article II - Purpose: Commissioner Mitchell read the Article. The consensus of the members, were okay with the Article as written.

Article III Membership and Term Appointment: Commissioner Gorder read the Article and asked if Marcy would touch on the history. Commissioner Mitchell read the State statute requirement, that the two citizen members who reside in a different planning and zoning district. Stephanie stated since the County didn't have any other districts then they had to reside within the district. Commissioner Gorder stated he thought it was important to discuss the history for

the recording of the record. Marcy stated it was stated this way in the Bylaws was if there is another Zoning District created, whether it is through the Citizen or County initiated, then the Richland County Planning and Zoning Commission would be able to review those applications. Instead of creating a Planning and Zoning Commission for each district there would be just one Zoning Commission.

Adam asked if there is a Zoning District created during their term (citizen members) then would they finish out their term then could they be replaced. Marcy stated if there is another District created then the Commissioners would decide if they wanted to use current members or appoint two more from the other district, because they have to be within the zoning district, so the Commission could grow to be more members. Mike didn't think that was correct, statute specifically allows for only 7 members, and that they can't eliminate someone in middle of their term. Adam asked if they finish out their term then they could find someone from the new district. Mike agreed, if it was what the Commissioners wanted to do. Marcy asked if there are more districts created then they could choose from those also, Mike agree the more districts the more latitude the Commissioners would have, but there would still only be the two citizen members, as State law set the specific number for only 7 members. Marcy apologized as she misunderstood Tara when she was explaining this to her. The consensus of the members, were okay with the Article as written.

Article IV Official Seat: Commissioner Mitchell read the Article; he asked if the physical address should be included. Stephanie suggested the meetings could also be in the Commissioner Chambers. Marcy said they reason why it was highlighted she wanted them to discuss this. She stated when they have the public hearing on the regulations, if there is more audience member attending than what the Commissioners' Chamber could hold then the Planning and Zoning Commission may want to hold the hearing(s) at the Extension Office Conference Room. She stated the Nutter Building seats about 50 people, using just the chairs. Adam questioned if they could actually get 50 people in the Nutter Building meeting room. Stephanie stated they used the room for the Tax Abatement hearings, Commissioner Gorder agreed. Commissioner Mitchell said if they have at the Nutter Building then everyone would have a table to use. Marcy said she would have easier access to the documents and supplies they may need. Commissioner Mitchell asked for the address. Marcy stated 123 West Main Street and asked if the time should be listed or just leave it stated as it was, then the meetings/hearings could be scheduled as needed. The consensus of the PZC members was the official seat (location) of the PZC to be the Richland County Nutter Building located at 123 West Main Street in Sidney, and not to list the time. The members agreed to use the Nutter Building, add the physical address, and not to list the time.

Article V - Officers: Commissioner Mitchell read the Article. Stephanie asked if this was according to some State statues. Marcy said there are none, the draft Bylaws were from a previous citizen initiated zoning commission from one of the counties she had pulled, to use as starting point, this was the one Tara suggested using. She said she did go through it, made a few edits to fit the Richland County Planning and Zoning Commission.

Commissioner Gorder asked if some counties must pick a vice-chair. Commissioner Mitchell said it should state whoever the elected officials are, and that who they elect as the Commissioners' Chair should be the same for the Planning & Zoning Commission. Commissioner Young asked Mike what his recommendation would be. Mike said in Section 1

where it states Officers to delete “elected”. He asked if the Commission wanted a Vice- Chair; the consensus was no.

Mike stated Section 1 should read “The officers of the Planning and Zoning Commission”. Commissioner Mitchell stated it should read the Chair of the County Commissioners shall be the Chair Planning and Zoning Commission.” Marcy asked if they are combining Section 1 & 2, she understood what they were asking is that “The Chair of the County Commissioners shall serve as the Chair of the Planning & Zoning Commission and the County Planner, or appointed staff shall serve as the Planning & Zoning Commission Secretary.”

Commissioner Gorder stated if they read ahead to the “Duties of Officers” there is a “Chair”, “Vice-Chair” and “Secretary” maybe it should stay. Mike stated Section 5(b) could be deleted. Commissioner Gorder asked if the Commissioner’s Chair is gone then who would be the Chair? Mike said it should say “that in the absence of the County Commissioner Chair a County Commissioner will assume the duties of the Chair”, something like that. Both Commissioner Young and Commissioner Gorder agreed with this.

Marcy stated they (Mike and her) would work on combining 1, 2 & 3. Commissioner Gorder stated Mike is now working on the wording to make them collaborate very well. Mike stated he did not think they needed to get rid of #3 just to remove the word “elective” same for #4. Stephanie asked why they needed have the “Terms of Officers”, if it was for the two who lived within the District? She stated because there are four of them who are the elected officials. Mike stated those who can serve on the board are very limited.

Commissioner Mitchell said the Commissioners decide who the Chair of the Commissioners would be, so he thought most of this would be mute. Mike recommended in #4 to get rid of “immediately at a regular meeting by regular election procedure” and replace it with “by appointment by the Richland County Commissioners”, if there is a vacancy of one of the Commissioners would fill it. Commissioner Young said then the Commissioners still would appoint someone.

Adam questioned if #3 & #4 were even needed, as the Chair would be one of the Commissioners. Mike stated it would still need to be stated in the Bylaws what the Terms are. Marcy asked the Commissioners if they vote on the Chair every year; Commissioner Gorder stated yes. Marcy commented then it should be okay to leave it in the Bylaws; Mike agreed.

Commissioner Mitchell asked if they leave Chair and remove the Vice-Chair; he asked if the Secretary has been established. Adam stated yes, that would be the County Planner. Commissioner Mitchell read the Secretary duties; Marcy stated there should be one change, to add “public hearing” after regular and special meetings.

Commissioner Mitchell asked if everyone was okay with section 6 and 7; he stated he did not think the Chair should have to ready the guidelines at every meeting. Marcy stated yes they should, Commissioner Gorder stated it is to keep control of the matter. Marcy stated the Planning Board does this for every hearing.

Marcy stated there should be a space on the Agenda outline to allow for the Public Hearing time. Mike stated section 6 is for the Order of Business for a regular meeting, section 7 has the Public Hearing Procedures. Marcy asked if they would want to add the Public Hearing Procedure to the

Agenda? Mike stated usually the hearing is before the meeting, sometimes when they do have a public hearing in a public meeting but it was rare, the hearing is held first then the regular meeting (order of business) takes place. Stephanie asked about a timekeeper; Commissioner Mitchell stated it is stated in the first bullet under (e).

Commissioner Mitchell stated he did not think the questions, regarding (i), that everyone needed to go through the Chair. Marcy stated yes they would want them to go through the Chair, for example for Planning Board public hearings the questions are addressed to the Chair this helped to maintain control of meeting, during a heated controversial application, then the Chair would ask someone to address their questions, such as staff, applicant, engineer, surveyor sanitarian, or someone with the expertise to answer the question. Mike agreed it does help. Commissioner Mitchell stated it keeps it impersonal.

Adam questioned if the first bullet in (e) in both 6 & 7, if it should be “subdivision”. Marcy said it should be “Conditional Use Permit”. Mike suggested to change it “...to speak on the issue.” because there could be other issues. Commissioner Young asked if it should be “comment” on the issue; Mike agreed. The consensus of the Commission was to change it to “to comment on the issue”.

Adam asked if they were supposed to go to a planning board meeting (Section 8). The consensus of the Commission was this should say “planning and zoning meeting”.

Marcy asked in the first sentence in Section 10 if the word “Commission” should be clarified as to what Commission. Mike stated it is stated this way throughout the document, and when it refers to Commission it is referring to this Commission (the planning and zoning).

Commissioner Mitchell suggested to get rid of the word “will” and change it to “may” in Section 12; and that if they don’t follow the Robert’s rules exactly that it could get them sued. Marcy asked Mike if he was okay with it, he said that it could be deleted. Commissioner Mitchell questioned if the Commission would need it during the meetings and hearing. Marcy said the Planning Board has used it. Commissioner Mitchell stated that Susan Swimley had told the Commissioners at MACo that you could be sued by this if someone wanted to be nit-picky about the use of the Robert’s Rules of Order as there are several different versions. Nichole asked what they were; Mike explained they have traditional rules on how to conduct a meeting; it’s an old book with a lot of revisions. Mike suggested deleting Section 12; the members agreed to delete Section 12.

Article VI: Commissioner Mitchell read the Article. Marcy suggested changing the third sentence in Section 4 to state “on the front door of the Nutter Building”. The consensus was to post the agenda and accept the suggested change that the agenda will be posted on the front door of the Nutter Building.

Marcy asked if there should add a section for the public hearing requirements, as the publication requirements are different than those for a meeting; and suggested adding it to Section 4. Marcy asked Mike if it should be added, Mike agreed. Commissioner Mitchell asked how it would work; Marcy said she would submit the notice the newspaper, then add the public hearing and the name of the applicant/application on the agenda, it would then be posted on the front door of the Nutter Building. The consensus of the Commission was to add the public hearing notice requirement.

Commissioner Young asked who put the draft Bylaws together, Marcy said both she and Tara they used one from another County, she did not think all of it would fit the County's Zoning Commission.

Adam asked what Section 7 meant. Commissioner Mitchell stated it means they have to be noticed; if three or four of the members are gone and they get on the phone and they need to make a decision and email form they would have to put in the paper that they are going to have an email or conference call, date/time to decide this issue. Marcy stated it is better not to have email communications on an application because it is considered ex-parte communications outside of the public meeting or hearing and they would be violating the public's right to know. She said they can email back and forth on the regulations, meeting dates and times. Commissioner Mitchell said what you don't want to say is "this is not a good idea and we should not pass it", because then you made a decision. Marcy recommended that they don't hit the respond to all button either. Mike stated there needs to be a correction in the last sentence where it refers to Article IV Section. 4 because there was no Section 4 in Article IV. Marcy thought it was this Article (VI) the letters may have been transposed. Mike suggested it state "this Article"; the members agreed.

Article VIII: Mike stated this Article should be Article VII. Commissioner Mitchell read the Article. Stephanie asked what kind of Committees would they have, she questioned whether or not if this Article was even needed. Mike stated the problem with a Committee if they have three people and then another board member shows up, all of a sudden they have board meeting. He suggested deleting it out, then if they need to have one to appoint an Ad-hoc committee. Marcy stated the only Committee she saw the Zoning Commission have would be to review the bylaws, yearly or every two years. Mike stated that could be an Ad-hoc Committee. Marcy asked if it needed to be stated in the Bylaws. Mike said no. The consensus of the members was to delete this Article.

Article IX: Commissioner Mitchell read the Article. The members agreed this section would become Article VII and the consensus of the members, were okay with the Article as written.

Commissioner Young stated he liked the way when Marcy would deleted something out she would put it in color. Marcy agreed she would to it that way.

Certification of Adoption of By-Laws: Commissioner Mitchell read the Certification. The consensus of the members, they were okay with the Certification as written.

Adjourn: Commissioner Mitchell stated the meeting was adjourned.

Duane Mitchell, County Commissioner
Chair of the Of the Richland County Planning and Zoning Commission

Date

***All Planning and Zoning Commission meetings and hearings are electronically recorded; if you feel there is an error in these minutes an electronic copy of this meeting/hearing is available upon request.