

**Brunswick Hills Township  
ZONING COMMISSION MINUTES  
Thursday, January 10, 2019  
Organizational Meeting**

**ORGANIZATIONAL MEETING**

**Call meeting to Order:** Secretary Milanko called the Brunswick Hills Township Zoning Commission Organizational Meeting to order at 6:31 p.m. A roll call of the Board was executed.

- **Board Members in Attendance:** Matthew Mickas, Barb Porter, Linda Kijek
- **Alternate Board Members in Attendance:** Tricia Murphy
- **Board Members Not in Attendance:** Sandra Jenkins
- **Others in Attendance:** Evelyn Czyz (Zoning Inspector), Trustee John Witthuhn, Zoning Liaison, Secretary Milanko

**Swearing in of Board Members by Trustee**

Trustee Witthuhn swore in Tricia Murphy to a full 5-year term upon the retirement of Al Fulkerson.

**Acceptance of Nominations for Chair and Vice Chair:**

Secretary Milanko stated the first order of business is to call for nominations for the position of ZC Chair and Vice Chair for 2019.

- **Nominations for ZC Chair:** Mr. Mickas nominated Sandra Jenkins for the position of Chair stating I know she is not here tonight but she did say she would accept the nomination. Secretary Milanko stated Mrs. Jenkins is ill and cannot be here, but per Trustee Mike Esber's call to the Prosecutor's Office, she can still be nominated if she is willing to accept the position. Secretary Milanko stated when Mrs. Jenkins told me she could not be here; I asked her if there was a nomination for her would she be able to serve. She said she could serve. Mrs. Kijek seconds the motion. No other nominations. **Roll Call for Sandra Jenkins as Chair:** Mrs. Murphy-yes; Mrs. Kijek-yes; Mrs. Porter-yes; Mr. Mickas yes. **Sandra Jenkins elected ZC Chair for 2019.**
- **Nominations for ZC Vice Chairman:** Mrs. Porter nominated Matthew Mickas for Vice Chair. Mr. Mickas accepts the nomination. Mrs. Kijek seconds the motion. No other nominations for Vice Chair. Roll Call for Matthew Mickas as Vice Chair: Mrs. Kijek-yes; Mrs. Porter-yes; Mrs. Murphy-yes. **Matthew Mickas elected ZC Vice Chair for 2019.**
- **Review and adoption of the Zoning Commission Bylaws**
  1. Mrs. Murphy referenced Emergency Meeting in Article VI: Meetings of the Zoning Commission and asked if the noticed if "Faxed" to the newspaper. Secretary Milanko responded by saying notices to the newspapers are sent by email to be published. Mrs. Murphy asked if "Faxed" is still relevant and wondered if it should say "provided" to the newspaper. After the discussion that most organizations no long use Fax machines, the Board agreed to amend the language and replace "Faxed" with "**provided**".

***ARTICLE VI: MEETINGS OF THE ZONING COMMISSION***

*Regular Meeting - a noticed official meeting that is open to the public during which the Zoning Commission deliberates and may take substantive votes on items.*

*Emergency Meeting - in the event of a true emergency, the chairperson with the assent of a majority of the Zoning Commission members contacted by telephone, may call an emergency meeting less than twenty-four (24) hours but will be posted at the town hall and ~~faxed~~ **provided** to newspapers if requested. Such a meeting is open to the public. Publicly accessible minutes shall carry the specific justification for such a meeting.*

*Special Meeting - notice is given within 24 hours via newspapers.*

2. Mrs. Porter referenced page 4, **ARTICLE XII: ADMINISTRATIVE CALENDAR**

**ARTICLE XII: ADMINISTRATIVE CALENDAR**

*Notice for all hearings and meetings shall conform to the requirements of the law.*

**Submission Deadline for Zoning Commission:** *The first Wednesday of the month by Noon to the Zoning Inspector to be placed on the following month's agenda.*

*Review, update and adopt Zoning maps as needed.*

*Copies of the agenda, applications previously filed with the Zoning Commission pursuant to section 1101-1 B. of the Brunswick Hills Township Zoning Resolution, staff reports, and related documents shall be delivered to each of the Zoning Commission members no less than five (5) working days prior to a public hearing and regular meeting.*

Mrs. Porter referenced the statement that says staff reports, and related documents shall be delivered to each of the Zoning Commission member no less than five (5) working days prior to a public hearing and regular meeting. Mrs. Porter stated the staff reports are from the Medina County Planning Services and that gets to be sticky because their meeting is the day before our regular meeting, unless we have a postponement, and asked if we should be adhering to that. Mrs. Porter stated really the day before is not enough time to review it. Mrs. Czyz asked why it wouldn't be if they got it on Wednesday. Mrs. Porter and Secretary Milanko stated the Board receives it at their meeting on Thursday night. Mrs. Czyz stated that she receives the comments from the Medina County Planning Commission long before their actual meeting. Secretary Milanko stated we receive their preliminary report on comments and recommendations on what they will present, however, once they have their meeting they send a FINAL staff report dated the evening of the meeting. She stated most of the time it is the same recommendation, however, the staff report could change based on their actual meeting.

Secretary Milanko stated Mrs. Porter is questioning the timing of receiving the report and stated she thinks they should have time to review it. Secretary Milanko stated the Medina County Planning Commission meets the first Wednesday of the month and the BHT ZC meets the first Thursday of the month and that is when we receive their final report so could the Board move the application/case to the next month. She said technically that is not five (5) working days to get it to Board members for their review. Mrs. Czyz stated she thought the Board would have enough time to review the report the night of because they have already reviewed the application/case. Mrs. Czyz also stated to the Board that what we get from the Planning Commission is only a recommendation and you are just looking at the recommendation. Mrs. Porter stated yes unless they had some specific things that they recommended that we would want to take into consideration. Secretary Milanko stated the Bylaws specifically states the staff report and related documents will be "delivered" to each ZC member no later than five (5) working days prior to a public hearing or regular meeting.

Mrs. Porter asked if we should change it or just leave it in there. Secretary Milanko stated you can enforce it if it is in the Bylaws. Mrs. Porter stated if we don't have it five (5) working days before then do we have to hear it? Mr. Mickas stated the only statement I have about that is if we don't hear it and we have a 30 day limit or something by law, then we would have to call a special meeting. Mr. Mickas said our Bylaws say the documents have to be delivered prior so I don't know it says we can't accept them like we have been in the past and actually hear them if we are comfortable with it; or we could continue the meeting; take action or not and just leave it up to our choice. Mr. Mickas said I'm not sure legally how that stands. Mrs. Kijek also commented on the process if it was postponed if it was more than 30 days. Vice Chair Mickas suggested leaving the language as-is. End of discussion on Article XII.

3. Mrs. Porter referenced the second line of Article IX of the Bylaws and stated we may want to get a legal opinion on this.

**ARTICLE IX: FORM AND CHARACTER OF MOTIONS**

*The form and character of motions shall conform as specified below:*

*Upon review of the full public record and due deliberations among the members of the Zoning Commission, any of its members, except the chairperson, may make a substantive motion. The motion shall include not only direction (approval, approval with specified conditions, or disapproval), but also a recitation of findings that support the motion.*

*A second, citing compatible findings shall be required.*

*Other Commission members may support the motion with other compatible findings.*

*A motion shall die for lack of a second.*

*Where a motion to disapprove an item has been defeated, a member of the Zoning Commission initially in the opposition may make a motion to approve, or approve with conditions.*

Mrs. Porter said regarding substantive motions, it says “*any of its members, except the chairperson, can make a substantive motion.*” Mrs. Porter asked why there is an exception for the chairperson and said there may be a legal reason for that. Mrs. Czyz stated that is how it is; its Roberts Rules. Mrs. Porter asked if it is stated in the ORC that way. Mrs. Czyz stated I don’t know, but it is under Roberts Rules of order which she said the board goes by. Mrs. Czyz stated the chairperson is always the last person called for a vote and they really should not make the motion. Mrs. Porter stated the chairperson can request a motion be made but they should not make the motion. Mrs. Czyz stated correct. She said if comes down to a tie vote the chairperson is the last deciding vote. Secretary Milanko agreed and said our Bylaws do state that the chairperson is to be called last for the vote. Secretary Milanko stated the way the language is written the chairperson shall call for a motion but that means another board member will have to make the motion.

4. Mrs. Murphy referenced this sentence in the same section of **Article IX**: “*The motion shall include not only direction (approval, approval with specified conditions, or disapproval), but also a recitation of findings that support the motion.*” and asked if the word “*recommendation*” should be added to (*approval should be added to approve, approval with specified conditions, or disapproval*) since the ZC is a recommendation board. Vice Chair Mickas stated I think the motion would be a recommendation to the Board of Trustees. Mr. Mickas stated my interpretation of that is we are approving the motion, not necessarily the recommendation, but there could be different opinions on that. Mr. Mickas stated the last sentence in that Article also references a motion: *Where a motion to disapprove an item has been defeated, a member of the Zoning Commission initially in the opposition may make a motion to approve, or approve with conditions.* Mr. Mickas stated that relates to the statement of whether we make a motion to recommend approval, or approve with modifications, or non-approval, but I don’t know if we need to get into that detail. Mr. Mickas stated in my opinion the Zoning Commission is a recommendation board so it is just our motions. End of discussion on Bylaws. Secretary Milanko recapped that the board only made one amendment to Article VI.

**Motion to Approve the Bylaws as Amended:** Vice Chair Mickas made a motion to accept the Bylaws with the amendment for 2019. Mrs. Murphy seconds the motion. **Roll Call:** Mrs. Kijek-yes; Mrs. Porter-yes; Mrs. Murphy-yes; Mr. Mickas-yes. Motion carries to approve as amended.

• **Motion to Re-Adopt the Brunswick Hills Township Comprehensive Land Use Plan**  
**Motion:** Mrs. Porter made a motion to adopt the **Brunswick Hills Township Comprehensive Land Use Plan**. Mr. Mickas seconds the motion. **Roll Call:** Mrs. Murphy-yes; Mrs. Porter-yes; Mrs. Kijek-yes; Mr. Mickas-yes. Motion carries.

- **Set Zoning Commission Meeting Date and Time**

Secretary Milanko stated historically the Brunswick Hills Township Zoning Commission meets the first Thursday of the month at 7:00 p.m. **Motion:** Mrs. Kijek made a motion to set the Zoning Commission meeting date as the first Thursday of every month at 7:00 p.m. Mrs. Porter seconds the motion. **Roll Call:** Mrs. Porter-yes; Mrs. Murphy-yes; Mrs. Kijek-yes; Mr. Mickas-yes; Motion carries.

- **Submission deadline to be placed on ZC Agenda**

Secretary Milanko stated the submission deadline traditionally for the Zoning Commission is the first Wednesday of the month by 12:00 p.m. to the Zoning Inspector to be placed on the next month's agenda.

Mr. Mickas said this is part of our Bylaws on page 4, so the question is do we have to re-approve it when it is in our Bylaws? Mr. Mickas stated by accepting the Bylaws we accept the submission deadline. Secretary Milanko stated true, but the submission deadline was not always that guideline; it was changed at one point by motion. She said the submission deadline works out well as it is and recommended the board keep it, so the question is if we need to list this as a separate item on the agenda if it is in the Bylaws. Mr. Mickas did not think so. Mrs. Czyz stated you have to set that each year. Mr. Mickas stated we have make a motion on the meeting date, but questioned the submission deadline. Mrs. Czyz stated the Board of Trustees have to set their meeting dates/time every year. Secretary Milanko stated the question is if we need this as a separate motion if it is included in the Bylaws. Mrs. Czyz said there is no harm in making that motion each year as the first Wednesday of the month. She stated this past year, 2018, the submission deadline fell on the 4<sup>th</sup> of July, therefore the submission deadline was moved to July 10<sup>th</sup> the following Wednesday. Mr. Mickas stated we make a motion on the meeting dates because they are not in our Bylaws, but do we have to make a separate motion on the submission deadline because it is in our Bylaws we accept by motion. Trustee Witthuhn stated he agreed and said it sounds redundant but it probably wouldn't hurt to make the separate motion. Trustee Witthuhn stated when you accept the Bylaws you are also accepting when the submission deadline is. Secretary Milanko stated usually the holiday exception comes up about once or twice a year and an announcement of the submission deadline date is then announced at the meeting.

**Additional Discussion on Submission Deadline**

The board agreed to make a separate motion for the submission deadline. Mr. Mickas stated he thought the only Federal holiday that falls in the middle of the week is July 4<sup>th</sup>. Secretary Milanko and Mrs. Kijek said what about Christmas? Mrs. Czyz said what if I'm on vacation? Mr. Mickas said can't it just be submitted to the Zoning Office or do you have to actually be present? Mrs. Czyz stated I am the only one in the zoning office so who is going to be there to accept and review it? Mr. Mickas said it could be by email or mail to your office. He said the Bylaws say submission by the first Wednesday of the month, by noon, to the Zoning Inspector so are we saying that means physically? Mrs. Kijek asked if the Zoning Inspector could accept a stamped date by the Post Office? Mr. Mickas asked if she gets anything submitted by email. Mrs. Czyz stated no. Mr. Mickas said so everything has to be physical? Mrs. Czyz stated correct.

Mrs. Kijek asked if we should just leave that date and amend it when need be. Mr. Mickas stated to Evelyn's point, it is trying to protect her and the Zoning Commission that she has to physically be in the office. Mr. Mickas said to Trustee Witthuhn the Board of Trustees have a submission deadline to get on their agenda too, correct? Trustee Witthuhn stated not really. Mr. Mickas asked the Secretary if the BZA also has a submission deadline to adopt. Secretary Milanko stated yes, it is the same deadline guidelines and they approve it by motion at each Organizational meeting. Mr. Mickas stated again he did not believe it should be based on the Zoning Inspector physically being in the office. He said things could change, or God forbid if she was out, there would still have to be a way to submit an application. Trustee Witthuhn stated the only thing that comes to my mind as Trustees we have set meetings and set guidelines and stated for example, Christmas fell on one of our regularly scheduled meetings so we obviously cancelled the meeting on Christmas day and rescheduled it. Trustee Witthuhn stated and if for your meeting there was an exception, you would make that motion at that time, correct? Mrs. Czyz agreed and stated that most of the time she is aware when someone is planning on submitting something for the board(s) and she explains if there is a holiday on the submission date deadline she gives them an extra week to submit it. Mr. Mickas stated he understands that so the only other thing would

be if you were not able to be in the office. Mrs. Czyz stated she thought there was something in the ORC about 30-45 days. Trustee Witthuhn stated maybe the board should just make a motion tonight and then get a legal opinion on this and then you can always amend the Bylaws.

**Submission Deadline Motion:** Mrs. Kijek made a motion that the submission deadline to be placed on the Zoning Commission agenda will be the first Wednesday of the month, by 12:00 p.m. to the Zoning Inspector to be placed on the next month's agenda. Mr. Mickas seconds the motion. **Roll Call:** Mrs. Porter-yes; Mrs. Murphy-yes; Mrs. Kijek-yes; Mr. Mickas-yes. Motion carries to maintain the same submission deadline.

End of agenda items for the Organizational Meeting.

**Additional Comments:** None

**Adjourn Organizational Meeting**

Secretary Milanko officially adjourned the BHT ZC Organizational meeting for January 10, 2019 at 7:06 p.m.

Respectfully Submitted,

Mary Jean Milanko, Zoning Secretary

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Sandra Jenkins, Chair

Date