

**Brunswick Hills Township Board of Zoning Appeals
Organizational Meeting Minutes
Township Hall
January 5, 2022**

Call Meeting to Order

Secretary Milanko called the Brunswick Hills Township Board of Zoning Appeals organizational meeting for January 5, 2022 to order at 7:02 p.m. A roll call of the board was executed.

- **Board Members in Attendance:** Cliff Kersten, Ron Wetterman, Ann Barron, Linda Kuenzer
- **Alternate Board Members in Attendance:** Gregg Timura
- **Board Members Not in Attendance:** Chris Schigel (Excused Absence)
- **Others in Attendance:** Evelyn Czyz, Zoning Inspector, Trustee Trica Murphy, Zoning Liaison, Mary Jean Milanko, Secretary.

Gregg Timura, alternate, was seated to represent a quorum of five members.

NEW BUSINESS

1. Swearing in of Board Members by Trustee

Trustee Trica Murphy, Zoning Liaison, swore in Zoning Commission board members.

2. Acceptance of Nominations for Chair

Secretary Milanko called for nominations for BZA Chair for 2022. Ms. Barron nominated Cliff Kersten as chair. Mr. Kersten accepts the nomination. Ms. Kuenzer seconds the nomination. Upon no further nominations, Mr. Kersten moved to close nominations and Ms. Barron seconds. All board members agreed to close nominations for chair. **Roll Call** on nomination for Cliff Kersten as chair: Ms. Kuenzer-yes; Mr. Wetterman-yes; Ms. Barron-yes; Mr. Timura – I am new to the board and will abstain. **Mr. Kersten elected to chair for 2022 by a vote of 3 yes to 1 abstained vote.**

Discussion on the Motion: Mr. Kersten questioned the quorum vote when the Secretary stated we elected the chair by the minimum quorum requirement of three and noted we had four members voting. Secretary Milanko confirmed there were four votes and one was to abstain.

3. Acceptance of Nominations for Vice Chair

Secretary Milanko called for nominations for BZA Vice Chair for 2022. Ms. Kuenzer nominated Ron Wetterman. Mr. Wetterman accepts the nomination. Ms. Barron seconds the nomination for Mr. Wetterman. Mr. Kersten nominated Linda Kuenzer for vice chair. Ms. Kuenzer accepts the nomination. Mr. Wetterman seconds the nomination for Ms. Kuenzer. Secretary Milanko and Ms. Czyz stated we have a run-off for the position of vice chair.

- Secretary Milanko called the roll for the first nomination of vice chair for Mr. Wetterman. **Roll Call:** Ms. Kuenzer-yes; Ms. Barron-yes; Mr. Timura-abstain; Mr. Kersten-no. **Nomination defeated due to a tie vote.**
- Secretary Milanko called the roll for the second nomination of vice chair for Ms. Kuenzer. **Roll Call:** Mr. Wetterman-yes...

Discussion on the Vice Chair Nominations: Mr. Timura asked for more clarification as to what we are doing and what he is voting for. Secretary Milanko stated that we really haven't had this happen before, but we had a nomination for Mr. Wetterman to be vice chair and then we had a nomination for Ms. Kuenzer to be vice chair and we had a second for both nominations. Secretary Milanko said I

called the roll for Mr. Wetterman first because that was the first nomination. Right now, we are having the roll call for Ms. Kuenzer who was nominated as vice chair by Mr. Kersten and seconded by Mr. Wetterman.

- Secretary Milanko continued the roll call for Ms. Kuenzer for vice chair. **Roll Call:** Mr. Wetterman-yes; Mr. Timura-abstain; Mr. Kersten-yes; Ms. Barron-no. Nomination defeated due to a tie vote.

Secretary Milanko stated we did not elect a vice chair this evening and thought procedurally we could postpone the election to the next meeting with a full board. Mr. Kersten asked Trustee Murphy if we should have another run-off or postpone to the next meeting. Trustee Murphy suggested the election be postponed to the next meeting if that is acceptable to the board. Ms. Czyz agreed saying even if you count the abstention as a no vote, you will have the same result tonight. Trustee Murphy noted that the Zoning had to delay the election of a vice chair a couple of times because we did not have a full board in attendance.

Motion to Postpone Vice Chair Election: Secretary Milanko called for a motion to postpone the election of the vice chair position for the BZA to the next meeting on February 2, 2022. **Motion:** Mr. Kersten moved to postpone until February 2, 2022 to reschedule the election for vice chair. Mr. Wetterman seconds. **Roll Call:** Ms. Kuenzer-yes; Mr. Wetterman-yes; Mr. Kersten-yes; Ms. Barron-yes.

4. Review and Adoption of the BZA Organizational Meeting Guidelines

Secretary Milanko and Mr. Kersten noted that last year the board amended the sentence “*Minutes are to be signed by the Chair or the acting Chair*” to “*Minutes are to be signed by the Chair, the acting Chair, or the Secretary.*” Secretary Milanko and Mr. Kersten noted that we had a lot of remote meetings, cancelled meetings and situations last year during Covid where the board members could not meet in person. Mr. Kersten stated the wording can just be added to the page because the board voted on that last year.

Discussion on Submission Deadlines for the BZA

Secretary Milanko noted from the guidelines “*that matters to be heard before the Board of Zoning Appeals will be set for the first Wednesday of the month by 12:00 p.m. to the Zoning Inspector the month prior to the next month’s meeting date.*” The board agreed to maintain the submission deadline requirements.

Motion: Mr. Kersten moved to accept the Organizational Meeting Guidelines as submitted by Madam Secretary. Mr. Wetterman seconds. **Roll Call:** Ms. Barron-yes; Mr. Timura-yes; Ms. Kuenzer-yes; Mr. Kersten-yes; Mr. Wetterman-yes.

5. Review and Adoption of the BZA ByLaws

Secretary Milanko referenced **Article VIII: Quorum and Voting Requirements** and read the quorum and voting guidelines which includes the following statements: *The Board of Zoning Appeals shall require a quorum of three (3) members at all of its meetings, and the concurring vote of three (3) members shall be necessary to effect and order; and Abstention from voting shall not be counted in the determination of a motion but shall be recorded.* She said we had this happen tonight.

Mr. Wetterman had a question about the voting and said when we vote yes or no, should we explain why we voted that way? Mr. Kersten said you have that right and said anyone can state why they are voting the way they are and then make their vote, per Roberts Rules. Ms. Czyz stated and if there is a tie vote and there is an abstention, the abstention is a no vote.

Secretary Milanko asked Mr. Wetterman if he is asking if board members should add comments when they vote instead of just yes or no, or are you opening it up for discussion? Mr. Wetterman asked if it should be

a mandatory thing or if it is voluntary, that is fine too. Mr. Kersten suggested that the board asked to be recognized by the chair for comments before they vote. Ms. Czyz stated if it is in Roberts Rules, you do not have to ask for permission and said you cannot legally deny a board member to express why he or she is voting.

Secretary Milanko said when a roll call is made on each board member, if a member wants to state a reason on why they are voting yes or no, they can do that. She said and the same thing goes with review of the Duncan Factors where board members can add their comments as it helps to understand how the board reached their decision if it is appealed.

Mr. Wetterman said I was thinking just before I make a vote on an area variance for example, I don't believe the applicant has made their point for needing the variance, so that is why I will vote however. It was confirmed that board members do not need to ask permission to make comments when they are voting.

Discussion on decision letters signed by the board: Mr. Wetterman had a question on the decision letters that are prepared for all board members to sign, but when we vote, it only needs to be signed by the chairman, is that correct? Secretary Milanko said the decision letters that are sent for each individual case is a decision letter recapping the case, the provision of the code that is involved, who was on the board and what the board motion and vote was to approve or deny, or approve with conditions. Those letters are only signed by the chair person. Secretary Milanko stated the Conclusion of Facts letter that is prepared by legal counsel, if a decision is appealed, is signed by each board member who sat on the case. Mr. Kersten reconfirmed letters signed by the board is already in place: #16. *The Board of Zoning Appeals authorizes the Chair, the acting Chair or the Secretary to sign decision letters on behalf of the Board.*

Motion to accept the BZA Bylaws: Ms. Barron moved to accept and readopt the Bylaws of the Brunswick Hills Township Board of Zoning Appeals. Mr. Wetterman seconds. **Roll Call:** Ms. Kuenzer-yes; Mr. Wetterman-yes; Mr. Timura-yes; Mr. Kersten-yes; Ms. Barron-yes.

6. Review and Adoption of the BZA Public Hearing Operational Guidelines

Secretary Milanko asked for questions or comments on the procedural guidelines for public hearing meetings.

Mr. Wetterman asked about BZA applications submitted to Evelyn Czyz, Zoning Inspector, and Wes Humphrey, Assistant Zoning Inspector. He said Evelyn may accept one and Wes may accept another one, but when that person comes to the meeting, Evelyn is here but Wes is not at the meeting to be questioned on the applications he took. Mr. Wetterman wondered if Wes Humphrey could attend the BZA meetings for the application(s) he took to be before the board. Ms. Czyz says he very rarely takes applications and may have taken one since he's been here. Mr. Wetterman stated we've had case applications received from Wes and he was not here to be questioned. Ms. Czyz said he might not have been available as well.

Secretary Milanko stated there was a question on #6. Recused Board Members: *Board Members that must be recused from an application request case, must leave the meeting during the hearing. The recused Board Member may return to the public meeting upon completion of said case.* Mr. Kersten stated when I had to recuse myself from a case a number of years ago, I had to leave the building and sit in my car so I could not hear the case. I don't feel that is a necessity for that individual to leave the building. Secretary Milanko and Ms. Czyz said that was the procedure given in training by the attorneys. Mr. Wetterman asked if the recused member would then sit in the audience? Mr. Kersten said they could sit in another room inside the building. Ms. Czyz said, but that wasn't the case because we were instructed by the Prosecutor's Office and the ORC (Ohio Revised Code) to follow that they had to leave "the building".

Ms. Czyz said, then the policy got changed and they could sit in the audience. Mr. Kersten didn't think they should sit in the audience if they are recused, but could sit in another room in the town hall. Ms. Czyz stated she didn't see anything wrong with sitting in the audience and being able to voice an opinion on something that might affect them or their neighbor as a resident. Secretary Milanko stated, but at that point, you would be making a comment as a resident, not a BZA Board member or the Zoning Inspector. Ms. Czyz said correct. Ms. Czyz said she would check on a legal opinion tomorrow. The board agreed to leave the wording that is currently in the BZA Bylaws and that is the recused board member must leave the "meeting room".

Motion to accept the Public Hearing Operational Guidelines: Mr. Wetterman moved to accept the Public Hearing Guidelines as written. Ms. Kuenzer seconds. **Roll Call:** Ms. Barron-yes; Mr. Kersten-yes; Mr. Timura-yes; Ms. Kuenzer-yes; Mr. Wetterman-yes.

7. Confirmation of BZA Meeting Date and Times

Motion: Mr. Kersten moved to keep meeting the first Wednesday of the month at 7 p.m. Mr. Wetterman seconds. **Roll Call:** Ms. Kuenzer-yes; Mr. Kersten-yes; Ms. Barron-yes; Mr. Timura-yes; Mr. Wetterman-yes.

8. Set BZA Submission Deadline to be placed on the BZA Agenda

The Board maintained the BZA submission deadline to be placed on the BZA Agenda as *the first Wednesday of the month, by noon, to the Zoning Inspector to be placed on the following month's agenda.*

ADJOURN ORGANIZATIONAL MEETING

Motion to Adjourn: Mr. Kersten moved to adjourn. Mr. Timura seconds. **Roll Call:** All in favor to adjourn.

Meeting officially adjourned at 7:49 p.m.

Respectfully Submitted,

Mary Jean Milanko, Zoning Secretary

Cliff Kersten, Chair

Date