

ELLSWORTH TOWNSHIP ZONING BOARD
RECORD OF PROCEEDINGS

2016-004

Minutes of *Ellsworth Zoning Commission Work Session*
Held April 5, 2016

On Tuesday, April 5, 2016, the Ellsworth Township Zoning Commission's work session began at 6:06 PM at the Fire Hall.

Chair Fred Schrock opened the meeting leading with the Pledge of Allegiance followed by a moment of silence for those serving our country past and present. He also mentioned that there were over 80,000 M.I.A.'S. between all the wars the US has been involved in. In the last two days, there have been five (remains) identified and being returned to the US, one locally (Austintown) who served in the Korean War.

Members present were Chair Fred Schrock, Vice Chair Sean Giblin, Jim Tripp, Janine Goddard and Alternate Jim Mayberry. Dan Stout was excused on medical leave; Jim Mayberry takes his place as regular member.

Two (2) guests were present – Dee Tripp and Lee Sandstrom.

Tonight's meeting is to work on changes in the resolution submission to the MCPC.

Fred Schrock said every year the Trustees have to prepare a budget. Trustee Artie Spellman would like the commission to consider forwarding the resolution to an attorney for review before moving forward so the township could avoid any lawsuits. The trustees would then have to allocate more money to zoning for an attorney.

Fred Schrock commented that the commission had hoped the updated Zoning Map would have been signed at the trustee's last meeting. It was not. Inspector Wayne Sarna had said that before signing the map, the commission must go thru a public hearing. He had forwarded Tonya Roger's email (initiated by Trustee Fred Houston) to Fred Schrock regarding this.

Fred Schrock also said that the trustees are worried that things must be done accurately; they do not want more lawsuits.

It was noted that the zone changes – Shidel and Gordon – did go through the correct procedures. Also the zone change regarding the Basista property also went through the correct procedure regarding zone changes.

All Zone changes were verified through the Commission's minutes and going through the individual files by Janine Goddard, Frank Marra and Wayne Sarna. Wayne Sarna said he will sign that he verified the map as updated and accurate.

Fred Schrock commented that George Smerigan's email response dated March 18, 2016, said that attorneys do not need to get involved; he personally does not feel that it is necessary to go through an attorney. George has time and time again told us while putting the resolution together what will hold up in the court of law and what will not. George also said when the commissions are done doing their job; the Trustees will have an opportunity to send the resolution to an attorney when it is their turn to deal with the resolution. He also said that the zoning resolution will be constantly changing, that we just need to deal with it later. As far as the map, the trustees do not have to sign it. We just need a current, accurate map.

Mahoning County Planning Commission (MCPC) told Fred Schrock that they are just an advisory body. Chrystaline McArdle and Mike O'Shaughnessy both said they do not really have power over the township, that we run our township. They just review and give their view of what they see. The zoning commission can still proceed if not approved; and also if MCPC does not respond with an answer, it creates an open door, therefore the zoning commission could go ahead and proceed without the MCPC doing anything.

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George Smerigan also noted that the Ohio Revised Code is to be followed. His advice was to move ahead, do not delay.

Fred Schrock also noted that the Vindicator did not put tonight's meeting notice in the newspaper. But he did note that it was published in the Community Roundup. So we were still covered. And he feels that the Community Roundup is circulated far better in our community than the Vindicator.

Fred Schrock said he met with all the trustees and Inspector Wayne Sarna; and he told them he has five areas of concern:

- The signing of the map; Mahoning County Planning Commission expectations; Consultant George Smerigan's stand matters; Attorney Finamore review; Public hearing.

Fred feels that the trustees are comfortable with our proposed resolution. Artie Spellman has some concerns on a few items:

- Home Occupation, Conditional Use, plus one other...Fred could not remember.

Fred Schrock told him that the commission did review those areas thoroughly under the advisement of George Smerigan, and he too feels that we need to move ahead.

Jim Tripp says he thinks it would be common sense to have Attorney Finamore look through the proposed resolution and see if anything jumps out at him that would be incorrect. Not a page by page review.

Sean Giblin said that attorneys do not work that way.

Janine Goddard said that an attorney is not going to be responsible for scanning through; that they would want to go through the entire document if they were to attach their name to their opinion. I would think that Finamore would do it completely or not at all.

Jim Tripp brought up the signing of the Official Zoning Map; said that when having the public meeting on the resolution, that we include the proposed zoning map so it would then become the Official Zoning Map.

Fred Schrock said he told the trustees that the resolution needs to get done; right now the township is leaving the door wide open to items that are not in the current ordinance.

Sean Giblin asked Fred Schrock if there was any area in the resolution that the trustees have a problem with, and Fred said no.

The commission discussed the changes made to the new zoning resolution versus the 1969 Zoning Ordinance.

Fred Schrock said to be prepared to make motions at our next regular meeting to proceed.

A few more changes were discussed and agreed upon in the proposed zoning resolution.

One change was to add to the resolution: Specific regulations trump general regulations.

Lee Sandstrom brought up a comparison on lot frontages; the 1969 Ordinance vs the proposed resolution. The 1969 shows 100ft frontage with centralized sewage, while the proposed shows 200ft frontage. He was against the change.

Janine Goddard made a motion to adjourn at 8:00PM; seconded by Jim Tripp.

Roll call: Sean Giblin – yes; Janine Goddard – yes; Fred Schrock – yes; Jim Mayberry – yes; Jim Tripp – yes. Motion carried.

Janine Goddard
Secretary