

Ch. Marzullo called the Zoning Commission Organizational Meeting to order on January 6, 2022 at 7:01 p.m.

Ch. Marzullo stated that this meeting is being recorded for transcription purposes only and the written minutes and attachment, if any, will serve as the official record of this meeting.

Ch. Marzullo stated that, on behalf of our virtual audience, we ask the public joining us in person to approach the podium in the event they would like to speak. They will need to announce their name and address prior to speaking. Additionally, we ask the audience to save personal conversation for after the meeting as additional voices cause confusion for those attending virtually.

Ch. Marzullo stated he would like to say something about Mr. Bruce Schneider, who recently passed. Ch. Marzullo stated that Mr. Schneider did an outstanding job on the Zoning Commission, he added a great perspective to many conversations, and Ch. Marzullo stated he is sorry to not see him walk through the door tonight and he will miss him. Ch. Marzullo stated that if no one objects he would like to take a moment of silence before they continue with the meeting. No one objected.

A moment of silence was taken.

Ch. Marzullo explained the purpose of the Organizational Meeting is to elect officers, set the day and time of all regular monthly meetings, and to address any other items of procedure.

Ch. Marzullo stated they would call roll first.

Roll found: Marzullo, Fischer, Spellman, Crew, Manley. Also attending virtually were Trustees Augustine, Swedyk, and Ascherl.

Ch. Marzullo *called for nominations for the Chairperson position*. Mr. Spellman nominated Mr. Fischer for the Chairperson position and Mr. Manley stated he would like to second that, but he would like to first comment on that. Mr. Manley stated that as most of the members are aware, there is a potential conflict because of the relationship between the Chairman and one of the Trustees, and Mr. Manley is agreeing with this nomination and seconding it to remove any potential for perceived conflict of interest at this time. Mr. Manley stated that in no way is he suggesting that the current Chairman has not done a very good job, he just thinks he is being placed in a potential conflicting situation and changing the Chairman for the year 2022 would be beneficial to the Board's integrity.

Mr. Fischer stated he would accept the nomination, but he would also like to at least have a conversation and nominate Chairman Marzullo as another option for the Board. Mr. Fischer stated that Ch. Marzullo has brought a wealth of history to this Board that is important. Mr. Fischer stated he has been here for 3 years, one year as an alternate and one year as a full voting member. Mr. Fischer stated he has tried to be very involved in what has happened, but he still has a lot to learn so he thinks this Board needs to have a conversation about moving forward and how much of a role does the President have in having an understanding historically of what has happened, and whether that is an important part of what the President's role should be. Mr. Fischer stated he would like to nominate Ch. Marzullo.

Ch. Marzullo stated there would have to be a second before they could move forward with that.

Ms. Crew asked Mr. Manley to elaborate on his comments regarding the conflict of interest.

Mr. Manley stated that it is most likely that one of the Trustees, the Chairman's sister, will request to be the liaison between the Board and the Trustees, and Mr. Manley stated he doesn't want any appearance of a conflict. Mr. Manley stated that based on what he knows of Ch. Marzullo he wouldn't think there would be a conflict, but he thinks the appearance has to be removed to maintain the integrity of the Board. Mr. Manley stated that there are rumors flying around regarding the Board and he is trying to

keep their integrity and he thinks it is in the Board's best interest to make this change at this time, whether permanent or temporary.

Mr. Spellman stated that in year's past, he has had a lot of training on Ohio Sunshine Laws and other related zoning matters, some of this being in terms of the appearance of conflict of interest. Mr. Spellman stated that this nomination is in no way about Ch. Marzullo's character. Mr. Spellman stated his past training has taught him that if there is so much of the appearance, eliminate that appearance of conflict of interest. Mr. Spellman stated that he would second what Mr. Manley stated.

Ch. Marzullo stated that if there is no second for his nomination, would anyone else be interested in being Zoning Chairman.

Ms. Crew stated that she feels that Ch. Marzullo did an outstanding job last year. Ms. Crew stated she obviously doesn't know what is going on and what has been said, but if there is an appearance of a conflict of interest then Ms. Crew agrees that Ch. Marzullo shouldn't be part of it, but she doesn't see it.

Ch. Marzullo stated that he is curious about Mr. Manley's comments regarding talk in the Township and would like to know if any of them pertain to him personally and he would be curious what they might be.

Mr. Manley stated that what he is talking about is that since he has been on this Board there has been talk about collusion, and he doesn't want that talk to continue. Ch. Marzullo stated that he can certainly see where there might be the perception of collusion and Mr. Manley stated, yes he would describe it as perception.

Ch. Marzullo stated if there are no other nominations, they will call for a vote.

Ms. Crew asked when Mr. Schneider's seat on the Board needed to be filled, why wasn't that seat filled by one of the Board's alternates at that time. Ch. Marzullo stated that he was going to discuss that during the Chairman's report. Ms. Crew stated that she is asking because Mr. Spellman made the nomination. Ch. Marzullo stated that there is nothing in the statute requiring an alternate to fill that position. Ms. Crew asked what past practice has been. Ch. Marzullo stated that past practice has been that the alternate fills the open seat. Ms. Crew asked why they changed it this time, and Ch. Marzullo stated that is a question for the Trustees. Ch. Marzullo stated that they wanted to make sure the two vacancies were filled so there was more than simply a quorum, so there could be two additional people involved in the discussion. Ch. Marzullo stated that Mr. Manley's term expired and he was reappointed, and Mr. Schneider's seat became vacant after his passing and they acted quickly to fill that seat.

Mr. Fischer stated that his understanding is that Mr. Schneider's vacancy became effective when he passed so the prior Trustees, as of last year, were able to fill that role because that role was open in 2021. The other vacancies didn't come into place until this year because the vacancies opened up at the end of 2021 because those terms ended at the end of 2021, so the new Trustees have to fill 3 positions. They have to fill Dave Manley's position, and they have to fill the two alternate positions. Mr. Fischer stated that his understanding is that there were 2 Trustees available, they voted to seat Dave Manley to continue his role, which then gave them a full Board, but they were not going to seat any alternates until they had a full Trustee presence.

Ch. Marzullo stated that there were two Trustees that filled one role and three Trustees filled Mr. Schneider's vacancy. Mr. Fischer stated the three Trustees from last year. Ch. Marzullo stated that is correct, the three Trustees from last year filled Mr. Schneider's role, and two Trustees reappointed Mr. Manley to his seat. Ch. Marzullo stated the Trustees did nothing regarding the alternates. Mr. Fischer stated that is why they don't have alternates tonight.

Mr. Fischer stated he thinks Ms. Wrubel has been recommended as an alternate and he thinks that Mr. Schrader, who is in the audience has been recommended as an alternate, but neither one of them has been voted on.

Ms. Crew asked if they do not have an alternate, and Ch. Marzullo and Mr. Fischer stated, not officially, at this point.

Mr. Manley stated that, for what it's worth, he can give three occasions where an alternate was not appointed. Mr. Manley stated they generally follow that, but this is not a change in the sense that it never happened before.

Ms. Crew thanked them for the clarification.

Mr. Spellman stated that in addition to what Mr. Manley said, during his previous tenure on the Commission one of the things that he wanted to push for, which he tried for many years, was to get various new members of the Commission rotating through the various leadership spots. Mr. Spellman stated that, for the record, one of the reasons he is making the nomination for Mr. Fischer is he would like to see a rotation. That role is a very important role, and he thinks it is a good role for the other people on the Commission to have the opportunity to sit in to get a different perspective. Mr. Spellman stated it gives a different perspective of what it means to be on this Commission, so that is one of the other reasons he is making his nomination for Mr. Fischer. Mr. Spellman stated to Mr. Fischer that it is a step up and he may be a little nervous about it, but there are members on this Commission with experience who are here to help and guide him, including Ch. Marzullo, Mr. Manley, and himself.

Mr. Spellman stated it is Mr. Fischer's decision at this point to accept. Mr. Spellman stated he doesn't want to blindside him with this, but from his previous tenure, he has some thoughts and ideas on how he would like to see things go and that's why he made the nomination.

Ch. Marzullo stated that he would like to mention the tremendous addition of time required to be the Chairman. Ch. Marzullo asked Mr. Fischer if he accepts the nomination and Mr. Fischer accepted the nomination. Ch. Marzullo stated there were no other nominations so they will vote.

- No further discussion
- Roll was called

VOTE: Marzullo – Yes, Fischer – Yes, Spellman – Yes, Crew – yes, Manley – yes

Ch. Marzullo stated that as new Chairperson, Mr. Fischer gets to run the remainder of the meeting.

Ch. Fischer *called for nominations for the Vice-Chairperson position*. Mr. Manley nominated Ms. Crew for the Vice-Chairman position. Seconded by Mr. Marzullo. Ms. Crew accepted the nomination. Ch. Fischer asked if there were any other nominations and there were none.

- No further discussion.
- Roll was called

VOTE: Marzullo – Yes, Fischer – Yes, Spellman – Yes, Crew – Yes, Manley – Yes

Ch. Fischer read "All meetings will be open to the general public; advertised per the requirements of the Ohio Revised Code. Any interested party may request a notice of any regular or special meeting of the Zoning Commission by sending such request to the Zoning Clerk, and including self-addressed stamped envelope."

Ch. Fischer recommended that language be changed to reflect that any interested party also has the option to provide an email address and request notification through email distribution.

Ch. Fischer stated he would entertain a motion to set the Regular monthly meeting on the first Thursday of each month to be called to order at 7:00 p.m.

- Mr. Spellman moved and Mr. Manley seconded
- No further discussion.
- Roll was called

VOTE: Fischer – yes, Marzullo– Yes, Spellman – yes, Crew– yes, Manley – yes

Ch. Fischer read “Work sessions will be scheduled as needed, and advertised per the requirements of the Ohio Revised Code. Work Sessions will be called to order at 7:00 p.m.”

- Ms. Crew moved and Mr. Marzullo seconded.
- No further discussion.
- Roll was called

VOTE: Fischer – yes, Marzullo – yes, Spellman – yes, Crew – yes, Manley – yes

Ch. Fischer read “Public Hearings will be scheduled as needed, and advertised per the requirements of the Ohio Revised Code.”

- Ms. Crew moved and Mr. Marzullo seconded.
- No further discussion.
- Roll was called

VOTE: Fischer – yes, Marzullo – yes, Spellman – yes, Crew – yes, Manley – yes

Ch. Fischer read: “Procedures for various meeting business matters”. Mr. Fischer moved to adopt the following procedures:

“All Zoning Commission meetings will be electronically recorded, for transcription purposes only; To have minutes of the monthly meetings, and any other meeting, minutes, mailed, or electronically mailed to all members of the Commission, so as to be received at least one week prior to the next regular monthly meeting.”

Ms. Crew stated that she has never received the minutes a week before the meeting, and it is usually the day before or the day of the meeting. Discussion followed regarding the need to receive the minutes with enough time to review them, and it was decided to keep the language as is and have a discussion regarding the need to receive the minutes at least a week prior to the meeting.

- Ms. Crew moved and Mr. Spellman seconded.
- No further discussion.
- Roll was called

VOTE: Fischer – yes, Marzullo – yes, Spellman – yes, Crew – yes, Manley – yes

Ch. Fischer read the following and then requested a motion:

“All new business matters (other than Amendment proposals) to be considered at a regular monthly meeting are to be received by the Zoning Office no later than the 10th of the previous month. For an *amendment proposal, the applicant should just request to be placed on the agenda. For site plan reviews, pursuant to Chapter 11, the plan must first be reviewed by the Zoning Inspector and certified for meeting all submission requirements and then submitted to the Zoning Commission no later than the 10th of the previous month.

*For Amendment proposals: The applicant, at a regular meeting, must submit/file amendments in person. This is because of various time limits.”

- Mr. Manley moved and Mr. Marzullo seconded.
- No further discussion.
- Roll was called

VOTE: Fischer – yes, Marzullo – yes, Spellman – yes, Crew – yes, Manley – yes

Ch Fischer read “Zoning Commission Members with expiring terms need to notify the Board of Trustees in writing (email is acceptable) of their interest to serve as a Zoning Board member by November 15th”.

Ch. Fischer entertained a motion:

- Ms. Crew moved and Mr. Marzullo seconded.
- No further discussion.
- Roll was called

VOTE: Fischer – yes, Marzullo – yes, Spellman – yes, Crew – yes, Manley – yes

Ch. Fischer read “The participation of a Zoning Commission Member who is designated to represent the Zoning Commission Board will be by request of the Zoning Board Chairman and the approval by the Trustee liaison, on an as needed basis. This will be based on purpose, subject matter and availability.”

Mr. Spellman asked for an explanation of this procedure. Mr. Manley stated that an example would be they have the Comprehensive Plan coming up and he will be representing the Zoning Board. Mr. Manley stated this would be a current example of what this language means.

Ch. Fischer entertained a motion:

- Mr. Spellman moved and Ms. Crew seconded.
- No further discussion.
- Roll was called

VOTE: Fischer – yes, Marzullo – yes, Spellman – yes, Crew – yes, Manley – yes

Ch. Fischer read “Appointment of a member to attend the Medina County Planning Commission Meetings, when required by a filing from Hinckley.” He added although it calls for a nomination, historically the Chairman has attended the meetings. Ch. Fischer stated he is open to doing it, but if there is someone else that would like to attend the Medina County Planning Commission meetings, they are welcome to do that.

- Mr. Spellman made a motion to appoint Ch. Fischer and Mr. Marzullo seconded.
- No further discussion

- Roll was called

VOTE: Fischer – yes, Marzullo – yes, Spellman– yes, Crew – yes, Manley – yes

Ch. Fischer read: “Establish a Hinckley Township Zoning Commission email address for each member and alternate (i.e. bkman.htzc@provider of choice)”. Ch. Fischer stated he believes they all have one.

Ch. Fischer entertained a motion:

- Mr. Marzullo moved and Mr. Spellman seconded.
- No further discussion
- Roll was called

VOTE: Fischer – yes, Marzullo – yes, Spellman – yes, Crew – yes, Manley – yes

Procedures under Chapter 11 allowing the Zoning Commission to hire a third-party consultant.

Ch. Fischer read “A Third-Party Consultant will be utilized as needed. For example, Site Plan Reviews or when deemed necessary by the Hinckley Township Zoning Commission Chairman or by a majority vote of the Hinckley Township Zoning Commission. The Chairman will work with the Trustee liaison to identify and engage prospective consultants and the duties of the consultant may include but will not be limited to the following:

1. Review of a preliminary and/or final site plan for compliance with the Hinckley Township Zoning Code
2. Attendance at any preliminary and/or final site plan review or reviews
3. Attendance at any preliminary or final site review
4. Recommendations of improvements to the plan to better serve our code and comprehensive plan
5. Review of a preliminary and/or final site plan for compliance with the Hinckley Township Zoning Code

Ch. Fischer entertained a motion:

- Ms. Crew moved and Mr. Marzullo seconded.
- No further discussion
- Roll was called

VOTE: Fischer – yes, Marzullo – yes, Spellman – yes, Crew – yes, Manley – yes

With regard to length of regular meetings, Ch. Fischer read as follows and entertained a motion to adopt the following procedures:

- Meetings (Regular, Work Session or Public Hearings or any combinations of those in a given day) will be capped at two hours of duration.
- The Hinckley Township Zoning Commission can choose at that time by motion to extend the meeting by duration set within that motion.
- And/or the remaining items on the agenda will be rolled over to the next monthly meeting.

Ch. Fischer asked for a motion

- Ms. Crew moved and Mr. Manley seconded
- No further discussion
- Roll was called

VOTE: Fischer – yes, Marzullo – yes, Spellman – yes, Crew – yes, Manley– yes

Need for Community exposure for all members of the Zoning Commission (Voting and Alternates).

Ch. Fischer read “It is strongly recommended that each member of the Zoning Commission attend one Medina County Planning Commission meeting during the year.” Ch. Fischer stated that he believes that can be done virtually. Ms. Crew stated she did attend one virtually, but you cannot speak during the meeting, and Ms. Crew is not sure if they have continued to have the virtual meetings. Mr. Spellman stated that he was around when this particular item was introduced and the idea behind it was for education of the Commission and to give exposure to the Board members to the various entities that the Board partners with. Mr. Spellman stated they may want to consider having each member sit in on a Board of Zoning Appeals meeting also to further their education and for insight on how the other entities they partner with work. Ch. Fischer asked if he is suggesting an amendment and Mr. Spellman stated no, he is just giving some context. Ms. Crew stated she believes it is a value and she attends a lot of things virtually. Mr. Manley stated he has attended meetings as well. Ch. Fischer entertained a motion as it is written:

- Ms. Crew moved and Mr. Spellman seconded.
- No further discussion
- Roll was called

VOTE: Fischer – yes, Marzullo – yes, Spellman – yes, Crew – yes, Manley – yes

Ch. Fischer called for any additional procedures or additional business.

Mr. Spellman stated that he left the Commission about 3 or 4 years ago and the world has changed. At the time he had served just short of 11 years. Through training and education, they were always educated that the Zoning Commission meetings are publicly accessible and the public is welcome to sit in, but it’s in a listen only type of fashion. In the past there was no public participation unless the Chair gave them the opportunity at the end of the meeting.

Mr. Spellman stated he is bringing this up because, unless the law has changed, these Commission meetings are open to the public to listen in, and it is up to the Commission if they want to give the public an opportunity to speak. Mr. Spellman stated that during his time as Chairman, he valued the input from the public but did hold that input until the end of the meeting.

Mr. Spellman recommend a motion that they give the public an active time to participate in these meetings to weigh in.

Mr. Marzullo stated that he disagrees. Mr. Marzullo stated he thinks it is important to get public opinion on the current topic being discussed before they move to a separate topic. Mr. Marzullo stated he believes they should get public opinion before they have it in their minds that the topic is settled and then at the end they open it back up, someone makes a valid point and then they have to come back and reopen what they thought was settled. Mr. Marzullo stated that, ultimately, he believes it will lead to more continuance and longer meetings. Mr. Marzullo stated he believes it is of tremendous value to allow the public to speak throughout the course of meeting on the specific topics being discussed.

Mr. Manley stated that there are public hearings where things can be discussed, so it's not like the public is cut out of their suggestions, they have a second opportunity to speak at public hearings. Mr. Manley finds it very disruptive when people get up and talk during the meetings, so he would like to allow time at the end of the meeting for the public to make their comments.

Mr. Spellman stated he believes it is important to get the feedback but he feels it might be disruptive. Mr. Spellman stated that there are multiple meetings and conversations on each topic, and allowing time at the end of the meeting so they are not disrupted is sufficient. The public has the ability to send communication, formal and informal, directly to the Chairman and to the Township. Mr. Spellman stated this is his opinion.

Ch. Fischer stated that he agrees with Mr. Marzullo that they have gotten some very valuable comments throughout the meetings, which has helped them re-guide their conversation and focus more quickly on what they need to focus on. Ch. Fischer suggested that they work with this and make sure they are noting that they do have a period of time reserved at the end, but also if they can provide some ability to have flexibility, particularly on the instances where several topics are being discussed and maybe at that point it makes sense to provide some comments throughout that section. Ch. Fischer recommended they continue with what Mr. Spellman said regarding a period of time at the end of the meeting to be reserved for public comment, unless otherwise recognized by the Chairman and that way the Chairman has some discretion to provide public comments earlier in the meeting as they might see fit based on how the conversation is going and what topics are being discussed. Mr. Marzullo stated that it always has been at the discretion of the Chairman. Mr. Marzullo stated that he believes that before moving on when there is a hotly debated topic, it is disingenuous to hold public comment to the end knowing that a lot of people are there for that one topic, and he feels they are saying they want to limit the amount of public interaction.

Mr. Spellman commented that it is not a limitation, it is keeping a procedure. Mr. Spellman stated that he doesn't believe, based on law, that the public is even provided that ability or that they have to provide the public that ability. Mr. Marzullo stated they don't have to, but it is the proper thing to do. Mr. Spellman stated that it is the proper thing to do and it is up to the Chairman's discretion, but he would like to see this made into a form of procedure that can't be challenged.

Ms. Crew stated that she agrees with Ch. Fischer's suggested text.

There were no other comments.

Ch. Fischer read the proposed following procedure:

"A period of time at the end of the meeting will be reserved for public comment, unless otherwise recognized by the Chairman." Ch. Fischer entertained a motion.

- Ms. Crew moved and Mr. Spellman seconded.
- No further discussion
- Roll was called

VOTE: Fischer – yes, Marzullo – yes, Spellman – yes, Crew – yes, Manley – yes

Ch. Fischer asked if there was any other discussion and there was none.

Ch. Fischer stated that he would entertain a Motion to adjourn the Organizational Meeting.

- Mr. Marzullo moved and Ms. Crew seconded.

- No further discussion
- All in favor
- **VOTE: Fischer– yes, Marzullo – yes, Spellman – yes, Crew – yes, Manley – yes**

The Organizational Meeting was adjourned at 7:48 p.m.

Judi, Recording Secretary

Minutes Approved: _____, 2022

Marcus Fischer, Chairman

Michelle Crew, Vice-Chairman

Matt Marzullo, Member

Dave Manley, Member

Bill Spellman, Member