

LITCHFIELD TOWNSHIP ZONING COMMISSION
SEPTEMBER 12, 2017

Members in attendance: Borling, Norris, Martin, Comuzie, Baluch, Page and Secretary Fozio
Alternates: Baluch, Comuzie (Setser was also in attendance, however, he was temporarily removed as Chairperson while running for trustee)

Setser called the meeting to order at 6:30pm with the Pledge of Allegiance

Setser asked for a motion to approve the July 11th meeting minutes: Wargo made a motion to accept the July 11th and the August 8th meeting minutes as written; seconded by Borling; approved by all.

Setser spoke about the very light agenda the board has had this summer; he asked Fozio for any correspondence for the board; nothing was received for the board.

Borling asked about the five members sitting at the table with another board member sitting in the audience. Setser introduced Frank Baluch again; the discussion revolved around who is an alternate and who is a regular seated member. Borling asked if Frank is an alternate or a seated member. Fozio said she does not know the answer to that; Frank said he does not think they've [trustees] have crossed that yet; he does not think they've [trustees] worked that all out. The board confirmed that Melissa is the newest seated member; Fozio said she does not know who the alternates are since there is Roy, Frank and the new gentleman. Discussion continued about alternates; Nancy said she had no idea; the board decided they need to have Horvath explain to the board. Nancy said that Setser is off the board because the trustees accepted his resignation. Borling said he did not know that Setser resigned; Setser said he did not tender a resignation; Nancy said that Horvath made the motion to accept Setser's resignation. Nancy said that Setser cannot be on the board while running for trustee. Borling said he thought it wasn't until someone was elected that they needed to resign. Setser said it is an unwritten rule out here [Litchfield Township] that a person cannot run while having a board seat. Discussion continued about other employees running and resignation; Nancy said she tried to get that changed but the other two trustees said 'No'. Setser asked if the other employee resigned from the road crew; Nancy said yes. Melissa questioned the township deciding to stick with the rule of Litchfield Township; it is just a Litchfield thing. She also questioned the discussion about not being employed while running for trustee; the board discussed that board members are not employees because they receive a 1099 at the end of the year; members are essentially contract employees, however board members and audience members disagreed on this topic. Melissa asked what it says in the employee handbook. Trustee Pope arrived and Melissa asked Pope about Setser having to resign because he is on the zoning commission. Pope said that is correct; Pope said at the last trustee meeting that they accepted Setser's resignation; Wargo said that he never submitted a resignation. Pope said he is not in charge of zoning; so he thought [Horvath] had the letters. Borling asked when the resignation is effective; Pope said the last trustees meeting. Borling said that Setser cannot be the board chair then; Setser said he cannot even sit at the table since he is not even an alternate - there was question about the procedure. Melissa verified with Setser that he did not receive a phone call or a letter about it; Setser said that he did speak with Horvath about the discrepancies in the 'rule' and if it should even be adhered to; he said he did not tender any paperwork with Horvath. Melissa again questioned the fact that Setser did not hear anything after the fact; she said it is written in the employee handbook about employees, but not commission members, it is up in the air about this. Borling said it was decided a couple years ago that board members were no

longer considered employees, they receive a 1099, board members no longer have to turn in a driver license or an insurance policy because Pam said they are no longer employees; Pope said that is debatable; Borling asked 'why' since they get a 1099; Pope said it depends on the pay scale; Borling said they make less than \$600; Norris said members cannot be an employee and still get a 1099; discussion ensued. Norris said that if someone is an employee who receives a 1099 means they can sue the employer through the IRS. Borling said they have a procedural issue because Setser resigned under duress, without his knowledge, so therefore he cannot reside over the board; the Vice-Chairperson then becomes the Chairperson; Setser said he is fine with that. Borling said the board then needs to call up an alternate as a board member and confirm who the other two alternates are. Wargo said it needs to be looked into; if Setser did not turn in a resignation than how can he be terminated without turning in a resignation; Setser said there was no formal documentation. Setser said he had a discussion with Horvath regarding the issue, and Setser asked Horvath is the other guys from the road crew were to resign while running for trustee then he would do the same; apparently the other guys resigned; he takes that as his resignation. Wargo asked Pope how the trustees can accept Setser's resignation if he never gave one; Pope said that is a question for Horvath; he is the one who made the motion regarding the resignations so he doesn't know; Wargo asked Pope if he saw a copy of it; Pope said no. Borling said the board has to go on the premise that Setser is no longer Chairperson. Gayle was recognized as the board chair. Melissa noted that Horvath was parking; the board waited for Horvath so they can understand the issue. Borling asked Fozio to reconfirm with Horvath what the board has been talking about; Fozio explained to Horvath about the confusion regarding where the zoning commission is at this point. Horvath said he and Setser had the discussion about resigning, if all the other candidates had to resign, and they did, so his assumption, since they had that discussion; he (Setser) knew that (the resignation) was going to happen at that time. Borling asked where that leaves the board; with Setser having resigned. Horvath said Setser is resigned until after the election; Horvath said that was the discussion he and Setser agreed to. Setser said he may lose his ability to be Chairperson, and would have to be reinstated. Fozio asked Horvath if Norris is now a temporary seated member through December, and that Frank and Andrew are alternates; Horvath confirmed that was correct.

Gayle asked if the board has to reopen the meeting; the board agreed yes. Fozio called the meeting to order at 6:44pm with the Pledge of Allegiance. Fozio recognized Gayle as the Chairperson through December. Wargo made a motion to accept the July and August meeting minutes as written, seconded by Borling and approved by all. Gayle asked if there was new business of the board; Fozio said no. Borling asked about a temporary Vice-Chairperson through December, the board agreed to appoint someone; Fozio asked if there are nominations for a temporary Vice-Chairperson through December; Borling nominated Norris; Norris said he cannot accept. Fozio asked again; Wargo made a motion to nominate Borling; he accepted the nomination; Gayle seconded the motion. Fozio took a roll call vote: Norris-yes, Martin-yes, Borling-yes, Wargo-yes, Page-yes; motion carries. Fozio said there was no new business for the board and there is no old business to carry forward.

Melissa brought up the APA zoning workshop for October that Noderer provided her; she asked other board members about it and if anyone was going; she said she would go if someone else is going. Norris said that many members go; it meets the township yearly training requirements. Melissa asked if there was any county training, or other training; Norris said he has not heard of any. Fozio said that the Department of Planning Services does those trainings and just call them to be put on their mailing list for trainings. The board discussed county training requirements; the trustees have approved any training under \$150; Horvath confirmed that the trustees would pay for it. Melissa said that since she is new, she wanted something more fundamental, maybe from the county. Discussion continued about training opportunities. Fozio provided Melissa the training reimbursement form to come back to Pam or her in

order to be reimbursed for trainings. Pope told Melissa she should go to the APA; it is also a good networking opportunity. Gayle asked if there was anything else to discuss; Borling said it has been past practice to invite alternates to the table so they feel a part of the board, however, they do not have voting privileges unless they are seated as an alternate for a vacant seat. Fozio said that Frank introduced himself at his first meeting; Fozio recognized Andrew and asked him to introduce himself. Andrew Comuzie shared that he is 29; has been a Litchfield resident all his life; he is a homeowner on Vandemark Road; a fire department member and he wants to keep being involved in the community. He was welcomed by the board and asked to sit at the table. Melissa asked the board to go over Section 702 so the board is all on the same page. She questioned membership being five years but that is not what the Resolution says; she shared also that when she does not make a meeting she is not in the loop; she wants to make sure she is contributing and wants to go over the Resolution. Borling asked if members had their Resolution and to turn to Article VII. He said that things can be confusing but asked Melissa if there were any things, as she read through, that she had questions about. Melissa said that in some sections of the resolution, that refer to a board and the commission; she asks if they should make it a board (there are two terms being used to reference the commission); should the resolution be updated through the trustees; but have the boards own standing copy of things. Borling explained to Melissa how board members become appointed, it is by the trustees. Melissa said the resolution does not explain appointments are for five years. Norris explained that there are five year terms since there are five board members; he said there is no way to explain all of that; the resolution is designed that one person goes off each year; if someone is appointed to replace a member, that person sits for the remainder of that previous members term and that is determined by the trustees. Horvath added that alternates are one year appointments. Melissa asked if those are verbal rules or if they are written somewhere. She questioned if a new trustee comes in; where is it written so they know; Horvath said it has been that way for years. Melissa questioned again if that should be written, she asked if she missing it in the resolution. Norris explained that the motions from the trustees are in their minutes; it explains that a person is appointed for 'X' amount of years. Melissa said when she reads 'this' and it is part of our resolution, and the board just sent a bunch of changes to the trustees for them to go over and get strict on people of the Litchfield, and here we [the zoning commission] cannot do a little better? Melissa questioned other sections of the resolution, but we didn't go through 'this' section, why doesn't this section get the attention that...Horvath said they just haven't gotten to it yet. Borling said it sometimes is a question about member terms. Horvath said that is not in the zoning book, it is in the trustee minutes; it will never be found in the zoning book. Noderer explained that terms are not written in the zoning book because it is an administrative, discretionary decision of the trustees; they could appoint a person and say it is going to be a three year term. He explained that anything that happens with the resolution has to go through an amendment process, which is written in the zoning resolution, and that takes months; the details are not in the resolution because the details are a trustee administrative decision. Melissa said it is in there that the BZA is a five year term; it specifically says that; it seems weird and not consistent. Noderer explained that the BZA is a quazi-judicial board, so maybe the trustees just want to keep it that way. Discussion continued. Melissa asked the board if they don't think it needs to be updated that this time; Borling said he does not know what would need updated with the resolution but it should be communicated by the trustees as to term and expirations. Melissa said she looks forward to being at the meeting in January when some things are put in place for us; she asked about other things that are done in January. Borling explained the January meeting is when the chair positions are voted on, the meeting dates are set, and even if is no business, it is good to go over things. Borling also explained that board members cannot discuss zoning business via email; it needs to be done in public forum. Melissa read the section of the resolution out-loud that explains board members having the responsibility of understanding business when they miss a meeting. Borling said that coming

to the next meeting gets that member up to date; Borling also suggested reading meeting minutes. Borling mentioned the trustee employee handbook and that Melissa needs to get one.

Gayle asked if there was anything for the board to discuss. Wargo asked if the board has received any correspondence regarding the status of the text amendments. Horvath said that Pam has sent some changes to the zoning secretary. Borling suggested to Melissa to read Article I to understand why the township has a resolution; he explained some of the 'why' regarding the zoning process. Noderer also suggested that Melissa read over the ORC; Section 519 regarding township zoning.

Gayle asked if there was any other business to discuss. Melissa made a motion to adjourn at 7:16pm, seconded by Wargo and approved by all.

Gayle Martin-Chairperson

Dave Borling-Vice-Chairperson

Please Note: Meeting minutes are not verbatim. Approved meeting minutes are the official record of the meeting.