

PLANNING AND ZONING COMMITTEE

OCTOBER 16, 2019

The meeting was called to order at 5:30 p.m. by Chairman Tim McCarthy. Committee members present were Tim McCarthy, Jonathan Smith, and Becky Williams. Also present was Brody Walters, Planning and Zoning Administrator.

APPOINTMENT TO HISTORIC LANDMARKS COMMISSION

There was a brief discussion to consider the appointments of three public officials. Mr. McCarthy reviewed the duties of a Historic Landmarks Commission member, and explained the standards referenced in issuing a Certificate of Appropriateness. Mr. Smith referenced the Sunshine Laws of Ohio with regards to the Open Meetings Act, and encouraged the members to bring communications to the meetings rather than through email. He added that there are training meetings that are free of cost to the public, and that they review the Sunshine Laws. Mr. McCarthy added that in the next coming months there will be more education for the Commission members to better understand their roles, and what is necessary in the case of a denial of an application. Mr. Smith confirmed that the members will receive a binder of information that is HLC specific, and Mr. McCarthy added that Zoning Inspector Cody Grodi will be the liaison from within the Planning and Zoning Division that Commission members can contact with questions and or concerns. Councilman Mark Weber recommended attendance of the November and December 2019 HLC meetings so that Mr. Senn and Mr. Coleman could get an understanding of the Commission. The Committee agreed 3-0 to recommend the appointment of Victor Senn, Anthony Coleman and Mark Weber to the Historic Landmarks Commission.

APPOINTMENT TO BOARD OF ZONING APPEALS

There was a brief discussion to consider the appointment of a public official. The Committee agreed 2-0-1 (Abstain: Becky Williams) to recommend the appointment of Becky Williams to the Board of Zoning Appeals.

P & Z BUDGET

Mr. McCarthy referenced the 2020 budget, and Mr. Smith noted the reduction for Contracts – Inspections. Mr. Walters added that he expects that number to be cut in half again for 2021. Mr. McCarthy asked about an updated Comprehensive Plan, and Mr. Walters added that the Public Notices for the RFP's were just published. Mr. Walters said that ideally they would like to hear back from 2-3 firms, and the RFP's are due on Friday, November 15th. Mr. McCarthy questioned which budget line these proposals will come out of, and Mr. Walters noted that it was a carry-over from the 2019 budget, and that it would be under sixty-five thousand dollars. Mr. Walters added that he will confirm those dollars with Dave Creps, Finance Director. Mr. McCarthy added that this plan will provide a better linkage between the schools and the City for planning purposes. Mr. Smith added that Middleton Township and Perrysburg Township should also be considered to annually review growth and development.

OTHER BUSINESS

Mr. Smith mentioned that he fielded a call relating to an issue with the water taps in the new subdivisions, that the Developer is expected to dig the holes, and accept the liability for the City employees. Mr. Walters said that there had been a short-term issue between DPU employees having the proper training and a delay in receiving the equipment needed to complete the water taps. Mr. Smith stated that the Developers were concerned with carrying the liability of the City employees performing the work, and Mr. Walters confirmed that the water taps are required to be performed by the City. Mr. Smith confirmed that he will follow up with Bridgette Kabat, City Administrator, and the DPU Committee regarding this issue.

CHICKENS DISCUSSION

Mr. Walters gave a brief run-down of where the City currently is at with chickens and registration within the City. He added that there have been no new requests for chickens since the Ordinance was passed in the fall of 2017. Mr. Walters did note that there is an issue with enforcement, and that this became problematic a few months ago with two registered applicants that were in violation. He added that the chicken discussion was revisited this past May at Safety Committee due to the need for a penalty with enforcement in the Code language per recommendation from Laura Alkire, Law Director.

He passed out three separate hand-outs of the early proposals, and the new proposed code language. Mr. Walters stated that the definition of "Specialized Animal Raising and Care" changed in Chapter 1215.02(180) with Ordinance 77-2017, and passed on August 1, 2017. He noted that the penalty at that time was referenced in a separate administrative policy, but that penalty or prosecution cannot be enforced without an Ordinance, and a change to the language in the Code. Mr. Smith questioned if the enforcement could be Civil versus Criminal. There was a brief discussion about the life of a chicken, Mark Weber, 836 Cherry Street, added that they usually produce eggs for two years. Mr. Weber added that when this language came to Safety Committee in May, he questioned it because the language was contradictory to the way that it's written in the Enforcement Code – Chapter 618.22 where "food producing animals are an exception." Mr. Smith questioned the need to change the enforcement if it will only last a few more years, and Mr. McCarthy added that under the current structure that once all of the chickens pass, then there will no longer be chickens allowed. Mr. McCarthy stated that perhaps there is now a willingness of Council to permit chickens altogether. Mr. Walters referenced his understanding with Ms. Alkire that this issue will not solve itself if left as is, because although the number of chickens is defined, there is currently no penalty for unchipped chickens. Ms. Williams said that she is not in favor of revisiting chickens, and she asked about Ms. Alkire's suggestion to add enforcement language to the Code. Mr. Walters confirmed that there are two options: to establish enforcement within the administrative policy or to revisit chickens altogether.

There was a further discussion on why the Code needs to be changed at this point, and Mr. Walters added that issue only presented itself when the administrative policy was defied by two of the six registrants. Ms. Williams reiterated that from a legal perspective there needs to be a change. There was further discussion about tying the two codes

together. Mr. Walters said that the basic question comes down to what City Council as a whole wants to hear and/or see, and in this case, are they open to chickens or not. Mr. Smith suggested asking City Council their opinion on chickens currently, and if there is a willingness to change. Mr. Weber asked if Council would have the power to reverse the Code from 2017, and Mr. Walters said that there would be a proposed Code Amendment that would be sent to Planning Commission first, and then follow the process from there. Jim Hagen, 10741 Avenue Road, reminded the Committee that in 2017 the chickens were referred to as “pets” rather than “food producing.” Ms. Williams added that in 2017 the zoning classifications were also discussed with regards to the chickens, as there is a difference in lot sizes from R-1 to R-4, and the expectations of residents living within the City limits. The Committee agreed to refer a poll/conversation to City Council as to whether they are open to re-visiting chickens or not. If City Council agrees to re-visit the chicken discussion, then it will be taken back to the Planning Commission.

OTHER BUSINESS

Ms. Williams asked if there was an update with the lights at Twisty Treat, and Mr. Walters stated that he offered to disconnect one of the lights. He added that the business owner stated that he will turn the lights off.

There being no further business, the meeting adjourned at 6:37 p.m.

Respectfully submitted,

A handwritten signature in black ink that reads "Timothy G. McCarthy". The signature is written in a cursive, flowing style.

Tim McCarthy, Chairman
Planning and Zoning Committee

Next meeting: Wednesday, November 13, 2019 at 5:30 p.m.