

# **UNOFFICIAL/UNAPPROVED**

## **Bazetta Township Zoning Commission**

3372 State Route 5, N.E. · Cortland, Ohio 44410

Phone (330) 637-8816 · Fax (330) 637-4588

Chairman: Curtis Lonsbrough · Vice Chairman: Rita Benoit

Walter Maycher · Howard Wetzel · Jack Hineman

Alternates: Dianne Runnestrand and Jennifer Nicholas

Secretary: Jeannie Eddy

On October 7, 2015 at 7:00PM at the Township Administration Building the Bazetta Zoning Commission held its regular quarterly meeting.

Members Present: Curtis Lonsbrough, Rita Benoit, Walter Maycher, Howard Wetzel, and Jack Hineman

Members Absent: None

Also Present: Secretary Jeannie Eddy, Trustee Webb, Dianne Runnestrand, Zoning Inspector Mike Mills, and Township Resident Beth Petracco.

Chairman Curtis Lonsbrough called the meeting to order at 7:00PM.

Chairman Curtis Lonsbrough asked Secretary Jeannie Eddy to take roll call and to read the legal notice published in the Trumbull County Legal News.

Walter Maycher made a motion to accept the meeting minutes from July 1, 2015 as written seconded by Rita Benoit.

Roll Call Vote: Curtis Lonsbrough **YES**, Rita Benoit **YES**, Walter Maycher **YES**, Jack Hineman **YES**.

YES: 4

NAY: 0

**Motion Passed**

The Board established the following dates and time for the Quarterly Meetings in 2016:

January 6, 2016; April 6, 2016; July 6, 2016; and October 5, 2016

Per request of Zoning Inspector Mike Mills the new meeting time for 2016 will be 6:30PM. This will allow him to attend the meetings due to the fact that he has another commitment on those meeting dates.

Rita Benoit made a motion to establish the following dates and time for the 2016 Quarterly Meetings seconded by Howard Wetzel.

Roll Call Vote: Curtis Lonsbrough YES, Rita Benoit YES, Walter Maycher YES, Howard Wetzel YES, Jack Hineman YES.

YES: 5

NAY: 0

**Motion Passed**

Township Resident Beth Petracco who resides at 2047 Quail Run would like the Board to consider writing some zoning texts limiting the time permitted for selling items on a residential property. Zoning Inspector Mike Mills said he would look into and present the Board with it in early 2016 along with some other text revisions. The Board agreed with Zoning Inspector Mike Mills.

Township Resident and Zoning Board Alternate Dianne Runnestrand emailed the following document to board members prior to the meeting. She also made handouts for the members also and passed them out. The Board and Ms. Runnestrand agreed to read the document silently but Ms. Runnestrand requested that the document be entered into the minutes. The document is as follows:

Public Comment to the Bazetta Township Zoning Commission

October 7, 2015

Dianne Sudranski Winters-Runnestrand, Ph.D.

The minutes of the July 1, 2015 meeting represent a meeting that was illegally configured and conducted and should not be approved. The Ohio Supreme Court holds minutes are inadequate when they contain inaccuracies that are not corrected.<sup>930</sup> The minutes should not be approved for the following reasons:

1. The Board was illegally configured. Based on 519.04 of the Ohio Revised Code:

The commission shall be composed of five members who reside in the unincorporated area of the township, to be appointed by the board. The board of township trustees may appoint two alternate members to the township zoning commission, for terms to be determined by the board of township trustees. An alternate member shall take the place of an absent regular member at any meeting of the township zoning commission, according to procedures prescribed by resolution by the board of township trustees. An alternate member shall meet the same appointment criteria as a regular member. When attending a meeting on behalf of an absent member, the alternate member

may vote on any matter on which the absent member is authorized to vote.

Also, According to the Bazetta Township legal counsel August 31, 2015 opinion to the Bazetta Board of Trustees, “In the absence of a resolution as provided and/or required by ORC 519.04 to the contrary, I believe the Alternate has a right to require her/him to take the place of an absent member and sit on the board.”

2. The meeting was conducted improperly because no agenda or minutes were provided before the meeting. According to the Ohio Open Meetings Act,

A public body must promptly prepare, file, and make available its minutes for public inspection.<sup>934</sup> The term “promptly” is not defined. One court has adopted the definition applied by courts to the Public Records Act (without delay and with reasonable speed, depending on the facts of each case), to define that term in the Open Meetings Act.<sup>935</sup> The final version of the official minutes approved by members of the public body is a public record.<sup>36</sup> Note that a draft version of the meeting minutes that the public body circulates for approval, as well as the clerk’s handwritten notes used to draft minutes, are also public records.

A public body must keep full and accurate minutes of its meetings...<sup>928</sup> The Ohio Supreme Court holds that minutes must include more than a record of roll call votes, and that minutes are inadequate when they contain inaccuracies that are not corrected.<sup>930</sup>

The Open Meetings Act requires every public body to adopt rules establishing reasonable methods for the public to determine the time and place of all regularly scheduled meetings, and the time, place, and purpose of all special meetings.<sup>922</sup> Those rules must include a provision for any person, upon request and payment of a reasonable fee, to obtain reasonable advance notification of all meetings at which any specific type of public business is to be discussed.<sup>923</sup>

Trustee Webb made a public apology to the Board for July 1, 2015 meeting in regards to not having an alternate replace a regular board member that was absent that night. He also publically invited Dianne Runnestrand to attend the next Trustee Meeting which is being held on October 19, 2015.

Rita Benoit made a motion to adjourn the meeting seconded by Howard Wetzel.

Roll Call Vote: Curtis Lonsbrough YES, Rita Benoit YES, Walter Maycher YES, Howard Wetzel YES, Jack Hineman YES.

YES: 5

NAY: 0

**Motion Passed**

Meeting Adjourned 7:29PM.

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Curtis Lonsbrough, Chairman

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Jeannie Eddy, Secretary