

Chester Township Zoning Commission Meeting Minutes

| Wednesday, January 5, 2022 7:00 PM |

Meeting Called to Order by Mr. Oswick at: 7:04 pm

Roll Call

Members present: Mr. Chess, Mr. Kats, Mr. Lauro, Mr. Nastasi, Mr. Oswick, Mr. Peto

Members absent: --

Admin present: Ms. McCarthy

Pledge of Allegiance

Mr. Oswick led the Committee in reciting the Pledge of Allegiance.

Public Comment and Questions

None

Item 1. Approval of Minutes

- Motion to approve the minutes of the November 17, 2021 meeting as presented.
Moved by Mr. Chess; Seconded by Mr. Kats
Motion passed by unanimous vote
- Motion to approve the minutes of the December 8, 2021 meeting as presented.
Moved by Mr. Peto; Seconded by Mr. Chess
Motion passed by unanimous vote

Item 2. Election of Officers for 2022

Mr. Oswick opened the nominations for chairperson for 2022. Mr. Chess nominated Mr. Oswick. Mr. Oswick accepted the nomination.

Motion to appoint Jon Oswick to serve as chairperson for the 2022 session of the Chester Township Zoning Commission.

Moved by Mr. Chess; Seconded by Mr. Lauro

Vote: Mr. Chess/yes; Mr. Kats/yes; Mr. Lauro/yes; Mr. Nastasi/yes; Mr. Oswick/yes; Mr. Peto/yes. Motion passed.

Mr. Oswick opened the nominations for vice-chairperson for 2022. Mr. Lauro nominated Mr. Nastasi. Mr. Nastasi accepted the nomination.

Motion to appoint Anthony Nastasi to serve as vice-chairperson for the 2022 session of the Chester Township Zoning Commission.

Moved by Mr. Lauro; Seconded by Mr. Kats

Vote: Mr. Chess/yes; Mr. Kats/yes; Mr. Lauro/yes; Mr. Nastasi/yes; Mr. Oswick/yes; Mr. Peto/yes. Motion passed.

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Motion to appoint Kathleen McCarthy to serve as Administrative Assistant for the 2022 session of the Chester Township Zoning Commission.

Moved by Mr. Nastasi; Seconded by Mr. Oswick

Vote: Mr. Chess/yes; Mr. Kats/yes; Mr. Lauro/yes; Mr. Nastasi/yes; Mr. Oswick/yes; Mr. Peto/yes. Motion passed.

Item 3. Trustee Liason

Zoning Commission members received email January 5, 2022 listing Joe Mazzurco as Trustee Liaison for calendar year 2022. Members discussed inviting Mr. Mazzurco to next Zoning Commission meeting on January 19th to hear his thoughts on what he would like to see accomplished by the Zoning Commission in the year ahead.

Item 4. Sunshine Law Review

Mr. Oswick read the Open Meetings Act Overview of the Sunshine Laws and how it applies to the commission as a public body. [open-book-august \(ohioattorneygeneral.gov\)](https://open-book-august.ohioattorneygeneral.gov)

Item 5. Review of By-Laws

Mr. Oswick read the Zoning Commission By-Laws adopted January 16, 2019. Determined that no changes needed at this time.

Item 6. Breakout of Accessory Buildings

Mr. Nastasi and Ms. McCarthy working to develop timeline and necessary forms for moving forward.

Item 7. Break out of signage Zoning Resolution in other Geauga County townships

Tabled for a future meeting

New Business

None

Public Comment and Questions

Correspondence Received

Open Items

Meeting Called to Close at: 8:01 pm

Approved by:

Chester Township Zoning Commission January 19, 2022

Final Review by: _____

Jon Oswick, Chair

ZONING COMMISSION BY-LAWS, ADOPTED JANUARY 16, 2019

Agenda and Notice:

Meetings:

All meetings shall be governed by the State of Ohio "Open Meeting Law".

There shall be two regularly scheduled meetings each month, on the first and third Wednesday of each month, beginning at 7:00 p.m. at Chester Town Hall, unless otherwise cancelled or rescheduled by the Zoning Commission. Notice of cancelled or rescheduled meetings will be posted at the entry to Town Hall.

Special or emergency meetings will be posted 24 hours in advance at the entry to Town Hall. Media that have requested notification will receive 24-hour advance notice. All meeting notices for special or emergency meetings shall state the purpose, location and time for the meeting.

Minutes of Meetings:

Minutes shall be kept by the Zoning Commission Administrative Assistant by hand notes and/or by mechanical/ electronic recording device. Records shall be retained in accordance with Chester Township's record retention schedule.

Zoning Commission:

The Chester Township Board of Trustees have created and established the Chester Township Zoning Commission in accordance with the Ohio Revised Code.

The Chester Township Zoning Commission is composed of five (5) members. Each member is to serve a five (5) year term as appointed by the Township Trustees. These terms are appointed on a rotating five year schedule permitting one newly appointed commissioner to be appointed each year. Each term is to commence in January and run through December five (5) year hence or until a replacement is appointed.

The Township Trustees may also appoint two (2) alternate members in accordance with Ohio Revised Code Section 519.04. Alternate members are expected to attend all meetings of the commission and shall participate in all board discussions and have the same duties and responsibilities as regular members, with the exception of voting rights. An alternate member will be permitted to vote only when they have been named by the Chair as a designated replacement for a regular board member that is absent from a meeting, with one exception—alternates that participated in a previous meeting as a regular member shall vote on the approval/denial of the minutes from that meeting. A regular board member is considered absent when they are not present for the roll call of a meeting. The Chair shall announce the status of all alternates present at the beginning of each meeting following the roll call. The Chair shall, during the naming of an alternate as a replacement for an absent regular member, appoint alternates in a rotating fashion. In the absence of the Chair, the Vice-Chair shall assume the role of Chair.

As soon as practical in the beginning of each year, there will be a reorganization meeting. At this meeting the By-Laws will be reviewed and additions and corrections will be ascertained. The Election of the Chair, Vice-Chair and appointment of the administrative assistant will take place. Letters of recommendation may be placed in the file at this time.

Vacancy:

If the Chair or Vice-Chair position becomes vacant by reason of death, resignation, disqualification, or any other cause, the Commission shall elect at the next regular meeting a successor to hold office for the unexpired term in respect to which such vacancy occurred or was created.

Quorum:

A quorum shall consist of three members. For the transaction of business at any meeting, a quorum shall be necessary. Resolutions, motions, and other official actions shall require the approval of a majority of those members present and voting. Abstentions shall not be considered a vote, and the member casting an abstention shall not be considered a voting member in the determination of the number constituting a majority.

Commission Operational Structure:

Each member will be assigned certain responsibilities by the Chair, as shall be determined from time to time by the Commission or Commission Chair.

The Chair's duties shall include:

Agenda: Responsibility for determining the agenda using the format of (1) Call to Order; (2) Roll Call; (3) Pledge of Allegiance; (4) Public Comment and Questions; (5) Minutes; (6) Old Business; (7) New Business; (8) Correspondence Received; (9) Public Comment and Questions; and (10) Agenda Topics for Next Meeting; (11) Upcoming Items/Deadlines; and (12) Open Items. This order may be revised as needed.

Liaison with the Board of Trustees: Maintain communication with the Board of Trustees as needed to apprise the Board of issues within the Zoning Resolution and inform the Board as to the interests of the Township and the issues of individuals in the Township. Make reports and recommendations for reform of Resolution as needed.

Liaison with the Board of Zoning Appeals: Maintain communication with the BZA by receiving copies of their minutes and appeal(s) prior to their public meeting, as applicable, coordinate meetings with the BZA to discuss areas of the Zoning Resolution that require clarification.

Liaison with the Zoning Inspector: Maintain contact with the Zoning Inspector as necessary to become aware of issues in the application of existing Resolution, not only regarding the interests of the Township, but also the interests of the individuals in the Township. Make reports and recommendations for reform of Resolution as needed.

Township Zoning and Planning: Review proposals and make reports. Work in conjunction with the Geauga County Planning Commission to arrange for the utilization of planners, engineers, health officials, legal counsel, and any and all other outside expertise that may be necessary and/or appropriate to assist the Zoning Commission in the performance of their legal duties.

Committee Reports:

All Committee Reports shall be presented in writing or orally at the discretion of Commissioner. Facts and Research Data shall be copied for all Commissioners and Administrative Assistant.

Budget & Finance:

If the zoning commission determines that funds are required, the commission will submit an estimate and explanation to the Board of Trustees and the Fiscal Officer's Office and request approval prior to incurring the expense. If the expense cannot be paid directly by the township fiscal office, the zoning commission member(s) shall submit an expense report, including proper documentation, for reimbursement. Reimbursement of expenses shall be in accordance with the Chester Township Policy Manual.

The 'Open' Book

A guide to Ohio law on public records, open meetings

August 2021



The Open Meetings Act: An Overview

With the delta variant triggering renewed concerns about COVID-19, public bodies throughout Ohio are again facing some COVID-related decisions.

Say, for example, that an area school board plans to deliberate and decide whether students must wear masks inside buildings when the new academic year begins. Ohio's Open Meetings Act (Ohio Revised Code Section 121.22) requires the board to conduct that business in an open meeting that the public may attend and observe.

The same holds true for similar discussions and decision-making by a city council, a township board of trustees or any other public body.

In a nutshell, the Open Meetings Act (OMA) mandates that, if a public body is meeting to discuss and vote on or otherwise decide public business, the meeting must be open to the public. Here is an overview of the OMA:

What is a public body?

- A "public body" is any decision-making body at any level of government. That might include any committees or subcommittees of a public body, even if these committees do not make the final decision of the public body.

What qualifies as a "meeting"?

- A "meeting" is a prearranged gathering of a majority of the members of the public body who are discussing or deliberating public business.
- The Open Meetings Act applies to more than "meetings" held in the traditional sense of the word – that is, those held in a meeting room with the public body at the front addressing the public. Instead, the OMA asks whether the majority of the members have held or will hold a prearranged discussion or deliberation of public business. If the answer is "yes," the OMA applies to those discussions or deliberations and the public body must – or should have – complied with the act.
- If, for example, members of a public body are discussing public business via email or text, a court could – and likely would – consider that to be a "meeting," subject to the legal standards of the OMA. A public body could be liable for an OMA violation if it uses such electronic communications to discuss or deliberate public business outside of a traditional public meeting. Further, any of the communications would be public record under Ohio's Public Records Act.

- A public body cannot circumvent the Open Meetings Act by holding back-to-back or serial meetings attended by fewer than a majority of its members, with the same topics of public business discussed at each. Courts will find that such deliberate “round-robin” meetings violate the OMA.
- Simply, a court will not put form over substance. It will look at whether the conduct of the members of the public body meets the definition of a “meeting” under the OMA. If it did and the public body did not comply with the OMA, the public body could be liable for violating its requirements.

What must a public body do if the Open Meetings Act applies?

- **Notice:** A public body must give notice of its meeting. For a regular meeting, the notice must include the time and place of the meeting. For a special or emergency meeting, the notice must include the time, place and purpose of the meeting.
- **Openness:** The meeting must be open to the public to attend in-person. Voting by secret ballot and whispering or texting about public business is also prohibited by the “openness” requirement.
- **Minutes:** A public body must promptly prepare, file and maintain meeting minutes and make them available to the public.

What about executive session?

- Executive session is an exception to the openness requirement, but it applies only to discussions or deliberations (not decisions) regarding a narrow class of topics. Those topics are listed in R.C. 121.22(G).
- A public body must make a motion to go into executive session during an open meeting. The motion must identify with the appropriate level of specificity the topic to be discussed in the executive session. The public body must approve the motion by a roll-call vote.
- Discussions and deliberations in executive session must be limited to the topic set out in the motion. The public body cannot deviate from that topic.
- A public body may not vote or make any decisions in executive session.
- Executive session is not typically confidential under the OMA. Unless there is some statutory or common-law privilege or confidentiality provision that applies, any documents exchanged in executive session are public records.