

**NORTH RIDGEVILLE PLANNING COMMISSION
MINUTES OF
WORKSHOP MEETING JANUARY 9, 2018**

To Order: Chairperson Swallow called the Planning Commission Workshop to order at 8:30 p.m.

Roll Call:

Present were members Steve Ali, Jim Maleski, Jim Smolik, Jennifer Swallow and Council Liaison Bruce Abens.

Also present was Assistant Law Director Toni Morgan, Councilwoman Michelle Hung and Deputy Clerk of Council Donna Tjotjos.

Purpose of this meeting is to review and discuss Planning Commission By-laws

Chairperson Swallow asked if everyone went through the By-Laws.

Members responded yes.

Chairperson Swallow explained that there has been discussion about putting a time limit on the public speaking. She provided an example of how a meeting came close to getting out of control due to the amount of time people spoke. The same comments were repeated over and over and so, it was discussed that maybe putting a limit on the amount of time one could provide comments in order to incentivize people to keep their thoughts to new thoughts and to make their points as briefly and concisely as possible. She explained that in Lakewood they allow people three minutes to speak on controversial issues. She stated she felt that was a short period of time. Her thought was that you could also extend their time once their three minutes were over.

Member Maleski stated his concern is limiting it and he used that particular meeting and group as an example and stated that there were a few people who were spokespersons for that group. If the by-laws state that if there is a Chairman for that group that speaks for them and take out the part that preclude other individuals of the group to speak, than that may cut down in time. He agrees on the idea of limiting, but if you start limiting what is supposed to be open and free, he just doesn't like where that is heading. He understood that a place like the Supreme Court where it has little lights for that and asked if there would be a timer. He stated if there is a group leader and the Commission takes out the part where it says individuals can still come up, he believes that will limit it. He recalled there were ten people who said the same thing. He thinks that the two people that led that group spoke, then it would have been done and over with. He added that they could also provide an itinerary of what they are going to say.

Chairperson Swallow stated that she believes it is affective for someone to come before a Board or Commission and state that they agree with the comments just made, but they would like to add more.

Member Maleski stated that they wouldn't really be here if they didn't agree with them.

Chairperson Swallow stated just because they are here doesn't really mean that they are in agreement with someone's comment.

Assistant Law Director Morgan stated it also doesn't mean that they don't want to be heard as well. She stated that she believes the Commission would run into trouble to state that only their leader can speak. However, if you let the leader speak too long, then it would limit everyone else. You want to keep it fair and make sure that everyone gets heard.

Member Maleski stated that if we limit their time, then we are limiting what they need to say.

Chairperson Swallow stated that in meetings she has been in if someone is making good points and they have good points to make, no one cuts them off. They let them finish by stating they have another minute in order that they wrap things up. In her experience; in meetings where there is no controversy, they just let them go. Time isn't an issue. It's when there are more controversial issues and a lot of people that want to speak. She explained that the Planning Commission meetings are supposed to end by 10:00p.m. unless it has been extended.

Member Maleski stated with more things coming in as the road gets finished, what and who determines whether or not it is a controversial issue.

Assistant Law Director Morgan stated that you can't make rules based on certain issues. The rule has to be for all.

Member Maleski agreed.

Member Abens explained that Council uses three minutes and if someone needs more time, they are stopped and Council would then vote to give that individual additional three minutes. He stated his experience has been the Sugar Ridge individuals. Some of them could rant for 10-15 minutes. If you don't set a time limit now and someone gets up there for 10, 15 minutes to rant, you cannot cut them off if you don't have time limits.

Chairperson Swallow stated maybe three minutes is too short.

Member Ali asked if they couldn't be given additional time.

Chairperson Swallow stated that if you give three minutes, everyone will be asking for additional time. Most people tonight were done in three minutes. They made their point and sat down and heard the response.

Member Abens stated if you may have a ranter and raver.

Chairperson Swallow stated she continues to remind people to stay on point, new comments only

and that helps move it along, but that doesn't give the ability to cut someone off when they keep going. She stated that she is open to anything.

Member Maleski asked if the Commission would require an itinerary if there is a larger group.

Chairperson Swallow stated she didn't think so only based on the limited time they would have to get things together.

Member Smolik asked how long before the meeting do the residents get notice.

Secretary Tjotjos responded ten days.

Assistant Law Director Morgan stated that if someone wanted to get us something early because they already have something than that would be a different story. A lot of people won't.

Secretary Tjotjos stated that the issue before was that the resident wanted to provide a power point presentation. The applicant is the presenter and provides the presentation. The issue is that the resident can come in and give his opposition or comments for a project but to give a presentation after the project presentation has been given creates a meeting that loses focus.

Assistant Law Director Morgan stated that the Commission wants to make sure that everyone gets heard in terms of timewise, everyone is treated the same and everyone has the same opportunity. You just want to be fair but also be able to maintain control of the meeting.

Member Maleski asked how limiting presentations could be worded in the by-laws.

Chairperson Swallow stated that you would just add time limits.

Secretary Tjotjos noted the section in which the amendment if any would be made.

Chairperson Swallow stated that is where she would put it.

Assistant Law Director Morgan asked if that is where the members wanted the rule to be.

Chairperson Swallow stated that the subject heading verbiage would change.

Member Abens stated five minutes is an awful long time. He suggested to stay with the three minutes. The Commission can always grant them more time.

Member Ali agreed and stated that they can always get additional time.

Member Abens stated that the time limit makes the individual stay on point. Especially if you make it known ahead of time.

Chairperson Swallow asked what the members think.

Assistant Law Director Morgan added her concern is not so much in the time, but when the resident actually addresses the audience and the applicant as opposed to the Chair.

Chairperson Swallow agreed and stated that she tries to pull that in to those meetings as well. She asked if the Commission is in agreement to add the time limit. She asked what time limit that should be.

Member Ali stated he believes three to four minutes should be ample time. They can always be granted an additional three or an additional two minutes.

Member Abens stated that if they are on point then the additional time should be granted.

Assistant Law Director Morgan addressed Member Abens and asked in Council, when you see that they are coming to the end of their comments and their time is almost up, won't a Council member make a motion to extend that time.

Member Abens explained that the Council President will say that their time is up and ask if there is a member who wants to make a motion to extend another three minutes. Someone will make that motion, someone will second and it is voted on.

Member Smolik stated that he didn't feel comfortable limiting the time. He felt more comfortable with five minutes.

Chairperson Swallow stated she felt that most will finish their comments within five minutes. In times where there are more people that are longer winded, that five minutes is probably adequate without allowing additional time.

Councilwoman Michelle Hung made comment from the audience stating that some people who are given a time limit are so concerned about that time limit that they become nervous. She gave an example of when she approached the podium during lobby session of a Council meeting.

Chairperson Swallow again reiterated that part of the process is to make the resident feel like they are actually being heard. She asked if five minutes was a good time limit.

Member Maleski stated that he understands we are under a time constraint, but any limitation he has a concern with.

Chairperson Swallow stated that tonight's presentation with the nursing home went really well.

Member Maleski agreed because the presentation itself was very thorough.

Member Abens stated that he knew he had opposition and what he did was he prepared for it.

Chairperson Swallow stated that the Commission is in agreement to propose an amendment to Section 2, permission to speak to include time limits and state that any speaker from the public shall be limited to five minutes when presenting testimony before the Commission.

Member Maleski added unless granted permission to extend.

Chairperson Swallow agreed.

Member Maleski asked if there needed to be a motion to extend and a second.

Member Abens stated yes and then there is a voice vote.

Assistant Law Director Morgan asked if the extended time would be limited to three minutes as well.

Chairperson Swallow stated two minutes. She continued on noting another section in the by-laws she wanted to discuss. She noted Section 4, Special Meetings. She explained there was, in the past, a request for two special meetings. She stated that the Commission had to adjourn the first special meeting in order to review the second special meeting. She asked if this section could be amended to allow more than one item to be considered. So, that if there is a special meeting with more than one item, you don't have to go through that process. At the end of Section 4, she thought to add verbiage so that more than one item can be heard at a special meeting.

Assistant Law Director Morgan stated as long as it is noticed on the same notice.

Chairperson Swallow stated her other thought is under Exhibit A where it talks about distribution of requests for action and drawings. She stated she wouldn't mind getting electronic drawings and asked if there is access to Wi-Fi in Council Chambers.

Member Maleski asked if she meant to receive everything electronically.

Chairperson Swallow stated yes. The members would bring in their iPad and bring up the electronic version.

Secretary Tjotjos stated that it could be electronically sent. However, the drawings are too big to be sent over email. The electronic drawings would have to be sent to something like Dropbox or Onbase. The members would have to have access to Dropbox or Onbase in order to retrieve it.

Chairperson Swallow stated that she believes that Lakewood creates the document in googledocs and then the link is sent out to everyone.

Secretary Tjotjos stated that Dropbox could be used. However, members would have to use their

own equipment because the city doesn't provide iPads to Boards and Commission members in the past.

Assistant Law Director Morgan added that if you are using your personal laptop, you have to worry about public record requests.

Member Abens questioned whether or not the developers or engineers do these drawings on electronic files.

Secretary Tjotjos stated that developers provide electronic files by Dropbox, through a thumb drive and some still provide paper copies that have to be scanned.

Member Abens stated that he believes that the city should be requesting these files electronically as much as possible.

Chairperson Swallow stated that it was just a thought.

Member Smolik stated that he had a couple of thoughts. He stated in some cities, the Commission meets before the scheduled meeting time to go over the administrative stuff. It is open to the public. The applicant is allowed in the room but the public and the applicant can't speak unless questions are brought up. It's more an administrative meeting.

Chairperson Swallow added this way, the Commission members aren't asking Guy questions on the floor. This way all members get the benefit of the question and the answer.

Assistant Law Director Morgan stated that if all members are present then it would be a public meeting.

Secretary Tjotjos stated that the pre-meeting would need to be added to the By-laws.

Member Smolik added that it is a meeting that is advertised. It is a pre-meeting.

Chairperson Swallow explained in Lakewood, the Administration actually comes to the pre-meetings with their recommendations.

Secretary Tjotjos stated years ago, Planning Commission met twice a month. The first meeting was to introduce the application and the second meeting was actually to take action on that application.

Member Smolik stated that there is actually more dialogue between the Commission members with this type of meeting. It is more relaxed.

Assistant Law Director Morgan stated she didn't understand why the Commission would hold a pre-meeting when all of that can be accomplished at the regular meeting.

Chairperson Swallow stated that Lakewood started doing it because there were so many questions on the floor and a lot of times the Administration wouldn't necessarily be completely prepared for it. It gives the Board and Commission members the opportunity to have open dialogue without a formal comment from the Administration. She explained for example, that as she is looking over the pool drawings, she can ask what the parking requirements are for a pool.

Assistant Law Director Morgan stated all those types of questions can be asked before the meeting or during the meeting. She didn't understand why they felt they could not do all that in the public meeting.

Member Abens stated that is why he brought up the issue tonight about the bathrooms.

Chairperson Swallow stated she didn't have any idea of what the requirements are for bathrooms. She had that same thought that the bathrooms weren't sufficient and Guy wasn't at the meeting to ask.

Assistant Law Director Morgan stated the application was for a swimming pool and she wasn't sure if there was anything in the code related to bathrooms for a pool. That is something though that can be found out ahead of time. She didn't think they are going to get an answer when it is dropped on them in a public forum. If they had time to find the answers then they would have the answer by the meeting.

Member Smolik felt that it would open up more time for dialogue. He stated that sometimes they don't feel like they want to get into a debate over an issue during the meeting.

Member Abens stated he wasn't going to get into a debate about the bathrooms tonight either.

Assistant Law Director Morgan stated that the Commission has to bear in mind that just because we don't like it, has little or no relevance. If these people are meeting the requirements of our ordinances.....

Chairperson Swallow stated exactly.

Assistant Law Director Morgan stated that the building code would have to have something on those issues.

Member Smolik stated that was his thought in having a pre-meeting - to go over all of the things members might not know, such as the bathroom requirements. He stated that he had a question on the nursing home as it was within two different zoning districts. He wasn't sure what code to go by.

Chairperson Swallow asked if there were any other thoughts on a pre-meeting.

Member Abens asked if the Commission would have these all the time or just on special occasions.

Chairperson Swallow stated that they schedule them every single time and if they don't use up the time, they don't use up the time.

Secretary Tjotjos asked if the applicant would be brought into this meeting to discuss his application.

Member Smolik stated that they could be in attendance. With the applicant being in attendance, it could give him/her a vibe of what is going on with the application and could allow them to tailor their presentation.

Chairperson Swallow stated it could be helpful in dealing with some of the public issues as well. A lot of times the Administration already has a feel for what is going on.

Secretary Tjotjos asked how it would be determined as to how far in advance of the meeting the Commission would meet. She explained that the Commission could have ten cases and if they always meet a half hour before a meeting, that wouldn't give them enough time.

Chairperson Swallow stated that it wouldn't be a complete total review. It is just a brief meeting. She explained how they do it in Lakewood. She explained that there are no minutes that are kept.

Assistant Law Director Morgan stated that there would have to be minutes.

Chairperson Swallow stated only if there is deliberation.

Secretary Tjotjos stated that the members would be deliberating. If there is discussion on the application, there is deliberation.

Assistant Law Director Morgan stated that they would absolutely be deliberating.

Member Maleski asked if those questions could be asked through email if they didn't have a pre-meeting.

Chairperson Swallow stated yes, but he would be the only one getting the answer. The rest of the members are not going to get that benefit of the question and answer session.

Member Maleski stated that we need to find out if minutes are actually required.

Secretary Tjotjos stated that in the Sunshine Laws as well as Roberts Rules of Order you need to have minutes.

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Member Maleski asked if an email was sent and forwarded to one person, is that still considered a meeting.

Assistant Law Director Morgan stated that if an email is sent and then forwarded to one individual, that would not be considered a meeting.

Member Maleski asked if the response would be.....

Chairperson Swallow stated that once responses start flying, then you would start running into issues with public meetings.

Secretary Tjotjos stated then it is really hard to control.

Member Abens explained that you cannot make any decisions over email.

Secretary Tjotjos noted that in the past, members would call the Chief Building Official and the City Engineer prior to a meeting to get their questions answered. Sometimes you can't make a decision based on what you are looking at and sometimes those questions need to be answered for themselves.

Member Swallow understood but stated that there is value in everyone getting the question and the answer. She provided an example of when Burger King came in as an applicant. She was able to get an answer from the Administration prior to the meeting. However, she was the only one at that point to have the benefit in knowing because she asked the question and no one else did. She asked that this subject matter be tabled in order to get more information. She addressed Assistant Law Director Morgan and asked if the amendment discussed earlier would come back as a formal motion to be adopted at the next meeting.


Assistant Law Director Morgan stated that she would put it together and have it out with the next agenda, which will be in their packet.

ADJOURNMENT:

The meeting was adjourned at 9:48 p.m.


Chairperson


Deputy Clerk of Council, Donna Tjotjos


Date Approved