

**NORTH RIDGEVILLE PLANNING COMMISSION
MINUTES OF
SPECIAL MEETING JANUARY 29, 2015**

To Order: Chairman Larry Mollenkamp called the meeting to order at 7:00 P.M. with the pledge to the flag.

Roll Call: Present were Planning Commission Members Tim Anderson, Jim Hurst, Council Liaison Bob Olesen, Vice Chairman Jim Rothgery and Chairman Larry Mollenkamp.
Also present was Deputy Clerk Donna Tjotjos.

ELECTION OF OFFICERS:

Chairman Mollenkamp explained that the meeting will begin with the 2015 Election of Officers. He then, opened the floor for nominations for the position of Chairman.

Member Rothgery nominated Mollenkamp as Chairman.

The floor was closed for further nominations by Member Olesen and Larry Mollenkamp retains the Chairman Position for 2015.

Chairman Mollenkamp took his seat and opened the floor for nominations for the position of Vice Chairman.

Member Hurst nominated Jim Rothgery as Vice Chairman.

The floor was closed for further nominations by Member Olesen and Chairman Mollenkamp announced Jim Rothgery to retain his seat as Vice Chairman for 2015.

Chairman Mollenkamp opened the floor for nominations for the position of Secretary.

Member Hurst nominated Donna Tjotjos as Secretary.

The floor was closed for further nominations by Member Olesen and Chairman Mollenkamp announced Donna Tjotjos to retain the position of Secretary for 2015.

Chairman Mollenkamp opened the floor for nominations for the position of Liaison to the Board of Zoning and Building Appeals.

Member Rothgery nominated Tim Anderson as Liaison to the Board of Zoning and Building Appeals.

The floor was closed for further nominations by Member Olesen and Chairman Mollenkamp announced Tim Anderson to retain his seat as Liaison to the Board of Zoning and Building Appeals for 2015.

Chairman Mollenkamp opened the floor for nominations for the position of Alternate Liaison to the Board of Zoning and Building Appeals.

Member Rothgery nominated Jim Hurst as Alternate Liaison to the Board of Zoning and Building Appeals.

The floor was closed for further nominations by Member Olesen and Chairman Mollenkamp announced Jim Hurst to the position of Alternate Liaison to the Board of Zoning and

Building Appeals for 2015.

NEW BUSINESS:

REVIEW OF THE BY-LAWS:

Chairman Mollenkamp stated that he asked Donna to reach out to other clerks and get copies of their Planning Commission By-Laws. Provided in front of the Members are copies of the City of Avon's Planning Commission By-Laws; City of Strongsville Planning Commission By-Laws and the City of Westlake Planning Commission By-Laws. He continued to state that it is his proposal that the Planning Commission go back to the old way of Planning Commission operating with the applicant coming to the first meeting where Planning Commission will get all the input from the applicant and then Planning Commission will send that applicant back out and they will come back at the next meeting for action to be taken at that time. The reason being is he finds it difficult sometimes as a lay person and the fact that he gets the packet from the Secretary on Friday. He then has Saturday, Sunday and Monday; hopefully to look at it and sometimes it is just not enough time to get the information to have questions and be able to figure out what is going on with that application. He would like the members to look at this and determine what we may want to do with this or not. To him, right now, he looks at predominantly the Avon Rules of Order of their Planning Commission and what happens is they do the very same thing; making it very simple then compared to the City of Westlake and the City of Strongsville. The City of Westlake has their first meeting with the applicant at 10:00 in the morning a month or so before the application is to be acted on and he felt that was something that our members didn't need to do, but the City of Avon, will look at an application, for example, an application will come in for the February meeting. The Planning Commission will look at the application and instead of postponing the application for further information; the Planning Commission will then continue it on to the March meeting where action will be taken at that point in time. He asked how other members feel about the possibility of changing the By-Laws to this format.

Member Olesen stated that he didn't have a problem in the fact that the members may or may not have time to review the applications, but he wondered how that will affect some of the things that come through. He addressed Councilman Dennis Boose who happened to be in the audience and asked for his input as well. He stated that there have been some applications that could be put through rather quickly and what will Planning Commission do in that case.

Chairman Mollenkamp responded that in Avon's by-laws, it gives a statement where it gives the Planning Commission can consider the application and waive it. So in other words if Planning Commission received something that comes in, in the March

meeting and it has to be acted upon right away, Planning Commission has that opportunity to act on that and waive that by-law.

Dennis Boose stated that perhaps because members only get Friday, Saturday and Sunday to review it, maybe they could move back the cloture date.

Chairman Mollenkamp stated that they would take a look at moving the cloture date but code depicts other dates that effect that 20 days and if that was the case, an amending ordinance would have to be written and to make things easier, a By-Law could be changed by the vote of Planning Commission. He stated it would be easier to put it back on the agenda at the next meeting under Old Business and act on it. He stated that the Boards and Commissions used to do that a number of years ago, where they wouldn't act on it at the first meeting. The Board of Zoning and Building appeals did it that way for a long time and Planning Commission did it that way.

Member Hurst stated that they did, but they had two meetings per month.

Chairman Mollenkamp stated that they did have two meetings a month, but he still feels that Planning would still be able to do this by getting the application in the first meeting in March and then act upon it at the next meeting in April where action will be taken.

Member Hurst asked if something could be considered in between getting this passed.

Chairman Mollenkamp stated that at this time, we have an option to postpone and so.

Member Rothgery addressed the Secretary and stated that the postpone option hasn't been used and so if the Planning Commission started using that option, wouldn't that make more sense than to suspend the by-laws to make an application pass.

Secretary Tjotjos stated that Planning Commission does have the opportunity to postpone applications presently.

Member Rothgery agreed and stated that the opportunity is there, so why couldn't the Planning Commission start making use of it as opposed to changing the by-laws and suspending the by-laws if the Members want something to pass right away.

Chairman Mollenkamp stated that if an application comes in and it is an emergency and it seems to be clear than it can be postponed. He gave an example of the School's application. He stated that is a lot of information that has to be reviewed. He stated that he relies on Guy and everyone here to help him out with this, but sometimes, the members have to start taking a look at the zoning codes and they have

to be able to do their homework in order for them to make a good decision as to whether it is something that can be passed on to City Council as it is written. He stated that sometimes it is very confusing.

Member Olesen addressed the Secretary and stated that she deals with this and she has the people come in to see her, he asked what her reaction is on this. He believes that there is going to be some developers who are harrpy about this.

Secretary Tjotjos stated that the City of North Ridgeville has the least stringent requirements when it comes to applications. Most Cities require anywhere between 30 to 60 days review and most cities who have that requirement also have their own people on staff such as City Planners, Architect Review Boards, etc. and so, we don't have any of that and only allow a weekend for the Planning Commission to review. That seems bizarre.

Member Olesen asked as the Administrator of the program, how she felt. He stated what will happen when a developer comes in and you have to tell him that the Planning Commission will open it up and review it, but they aren't going to take action on it for another 30 days.

Secretary Tjotjos stated that it shouldn't make a difference, because every other City that they have to work in has that same policy. They have to go through the same process in other Cities. Our City is the only one that has the least amount of time to review.

Member Olesen stated he is playing devil's advocate. Sometimes, the developers will wait until the last minute.

Secretary Tjotjos added that yes, Planning Commission's cloture is 20 days before the meeting at 4:30p.m. There is always a line in front of the building department at 4:27 on the 20th day of developers, engineers, filing the applications.

Member Olesen stated that he believes that with a little training and having them follow the rules, it will work. He stated that they are following a process that is kind of loose, but if we tighten it up and follow the system. It is as simple as that.

Chairman Mollenkamp stated it is not that different than say, Westlake. Westlake has a meeting previously with their City Planner and the Planning Commission themselves a month ahead of time and that meeting is at 10:30 in the morning.

Member Rothgery stated that they are paid though.

Chairman Mollenkamp stated that the City Planner is but the Planning Commission is not. He stated that their process is basically the same thing that he is proposing to do and that is to just look at that application and then act on it at the following meeting.

Member Anderson stated that his concern is that a couple of times this year, we have had big meetings where we have filled the room up and these people are going to sit here and listen to the project and then they aren't going to get an answer. They are going to have to come back the following month and say, we have another big project on that agenda, now there are 80 people in here.

Chairman Mollenkamp stated that could happen next month anyway. The school will be here, Valore will be here, etc. There will be a whole raft of people, but the thing about that is once you get it acclimated and get it up and running, it is kind of like taking the horse to water and now he is drinking it. He stated that the Commission did it for years and it worked. That is why he doesn't understand. He stated he is just enough of a lay person that some of this needs to be reviewed. He stated he worked as a mechanical engineer and does now a few things, but he doesn't know everyone else's background and so when it comes to zoning regulations, flooding and things like that, he has to sit down and digest it before he can walk in within a three to four day period to review and say he can vote on it.

Member Olesen stated that this Planning Commission is good. You guys get out in the field and you look at these projects and you see how many trucks are coming in and out, etc. You really do your job. Better than a lot of Planning Commissions in the past. He stated he is honored to be with them in the room because you guys work very hard.

Chairman Mollenkamp stated that is what he needs and he may just be speaking for himself. He is a hands-on guy and if he has to go out and look at something; in fact, he walked that school property twice because he needs to know what this thing is going to look like in his mind and he can't do it in a four day period; especially if it is over a weekend. He stated if he had a couple of weeks, that means he can get out and look at things, he has time to talk to people within the Administration and the Building Department if he has questions, and it will allow him to straighten his mind out as far as the idea of saying yes or no to an application. He asked that the members discuss this tonight so that at their next meeting they can vote on it.

Dennis Boose spoke from the audience, but it was inaudible. The Chair asked that he move forward. He stated that whatever plan the Planning Commission comes up with as far as whether they present at one meeting and decide at the following meeting, with the opportunity to waive that requirement if the members so choose, or if the members decide to keep it the way it is; whatever plan the members come up

with, the developers will work within that. All they need to know is what the plan is and that is what they will do. So, right now as it was suggested that some developers postpone, postpone and postpone and then they want to run. If they know it is going to take an extra 30 days, they will get their act together beforehand and they will make sure that that is within their planning time because he has worked with commercial developers in financing projects and in his opinion one of the biggest problems they have is that they have a deadline with their customer. So, if they know that there will be another 30 days, all they have to do is let their customer know that and they will build that within their contract with the customer. On the other side if you have 80 people here wanting to talk about something, he disagreed and said that he didn't think that they attend so that Planning Commission will make an immediate decision on their behalf, he believes more so, that they would want the Commission to take thought and he didn't think that they would have a big problem with the Commission waiting 30 days to review and make a decision. He believes that they get more upset when 80 people show up; they give their opinion, only for Planning Commission to approve right then and there. He stated they don't believe that they were even heard. You at least take their consideration and then come back. He stated that maybe the Commission needs to go to two meetings a month where you present at one and decide two weeks later. Again, he believes that the developers will go along with whatever Plan the Commission has and he has always wanted that kind of time himself to be able to go to the property and talk to whomever he needs to talk to before he makes a decision and so, he doesn't blame the Commission for wanting to make this change.

Member Mollenkamp stated that it would take 51 days before the applicant would receive action from the time he puts the application until the time the Planning Commission acts on it.

Member Olesen stated that Planning Commission could also consider that anything that comes into Council, it comes in as new business, sometimes, if they have to they suspend by-laws to get it through that day. Planning Commission can also choose to do it that way as well. You can suspend the by-laws to study or make a decision on that particular case if you want to.

Member Mollenkamp stated that if Mr. Jones came in here with an application for a development that is pretty simple, the Planning Commission could suspend the by-laws and act on it right off the bat.

Member Olesen stated that Planning Commission can do that.

Member Hurst stated that there are some cases that come in to get approved that really require no review such as a case that missed developing within a two year

period and needs an extension of the approval. At those times, the by-laws could be suspended to take action on it during the first meeting. Something of that nature should allow for the suspension of by-laws.

Member Rothgery stated that if the Planning Commission by making this change, causes additional special meetings every month, just as it did in the past when Mr. Hurst wanted to do something like this, we kept getting bombarded with Special Meeting requests. He asked if there was a way to bump up the fee for a Special Meeting to make it so that no one will want to do that.

Member Mollenkamp stated that previously the Planning Commission had a developer that came in and asked for a Special Meeting so that he could move his project ahead.

Chairman Mollenkamp opened the floor to the Secretary for comment.

Deputy Clerk Tjotjos stated that if a developer chose to have a Special Meeting it would be created after the first meeting that they were heard. They still have to meet the 20 cloture time frame in order to hold a Special Meeting. The Commission wouldn't be seeing that application until the next month anyways. The special meeting would have to be scheduled around the same time frame as the regular meeting anyway if you take into account the days you need to post and the days that you need to review in order to get a special meeting scheduled. On top of that is the cost for a Special Meeting fee which is \$250.00. That has been a deterrent for some developers.

Member Rothgery stated he understood that, but his feeling was that perhaps if we bumped it up to a more substantial fee, perhaps they wouldn't be so ready to ask for a special meeting and by substantial, he didn't know what that would mean, but maybe \$1,000.

Dennis Boose stated that it wouldn't matter what fee you charge, they will stay pay it. It would have to be reasonable though.

Chairman Mollenkamp asked if there was any other discussion.

Deputy Clerk Tjotjos addressed the chair and asked if she could bring up Section 2, Article 4. Planning Commission has to take into account that requests need to be acted on within 60 days of the date they first appear on the Commission's agenda. So, let's say someone came in February; Planning Commission would have 60 days from that date to take action. For instance the Board of Education is coming back in February; Planning Commission would have to take some sort of action; whether you

postpone it again, approve or deny, there has to be a motion to do one of those things on that application.

Member Hurst asked what would have to be done to change that.

Deputy Clerk Tjotjos stated that it might be code. She pulled the codified ordinances on the smart board and corrected that statement saying that the 60 day requirement is part of the Charter, Section 8.8.

Chairman Mollenkamp called a recess at 7:30 p.m.
Meeting resumed at 7:35 p.m.

Member Rothgery asked what the Commission can do to alleviate their pains.

Chairman Mollenkamp stated in short of postponing everything at every meeting.

Member Rothgery stated that he really doesn't have a problem postponing. He stated that the Planning Commission would have to inform the building department in that the members have taken a new direction and they may postpone the application's request after the first meeting. If it is a large subdivision, he would say it would be a given that it would be postponed.

Member Hurst stated that wouldn't require a change. If we went the other way in which we say a typical action will be presented on the first night and action will be taken on the second month, then the contractor knows what to expect and like Dennis said, they could build that time into their contract. He stated that he was in front of Planning Commission in Westlake for example and they were a pain. The same is with Brecksville.

Member Rothgery stated that Westlake is built out so it is kind of a moot point. They could put almost anything they want into their by-laws because they are built out.

Member Hurst stated that the last application he had in Westlake, for example, was changes to an existing industrial building. It was an existing building and all they were doing was modifications on the inside. The application was delayed three months. It took them three weeks to do the job, but it took three months to get the approval from the City.

Chairman Mollenkamp stated that what you are really saying is that they may be better off instead of taking action on the by-laws is to leave it the way it is and if you feel that it needs to be postponed, then the Commission will postpone it.

Member Hurst asked how many applications he felt, since he has been on the Commission, that two months would have been better as opposed to one month.

Chairman Mollenkamp stated probably three maybe four.

Member Hurst stated those years ago, we would have cases that took the Commission until 10:30 or 11:00 that all got voted on that night and all were of that nature. That was pretty stressful trying to review all those cases in one night. He stated that if the Commission built into the fact that it is the typical scheduling and then maybe another paragraph stating that this by-law can be overridden.

Chairman Mollenkamp stated that is the way he would like to see it. He explained for example, the gentleman that came in with the body shop. That was a no brainer. He stated that the Commission can waive that. He stated that at that meeting the Commission could suspend the by-laws and act upon it that night, but the normal procedures would be that the Commission hear it one meeting and they take action on the second meeting.

Member Hurst stated that the people that will complain the loudest will mostly be the developers, but if you build that into the standard, they are still going to ask for action on it that night.

Chairman Mollenkamp stated that he has been around this town a while to know that a lot of these developers will play the game. There are times that the Commission needs to look at this information a whole lot more. He stated that he didn't want to be held up by a developer asking him during a meeting, why can't the Commission act on it not.

Dennis Boose stated that sometimes there have been things that he has been through, he tries to make the exceptions a lesser part of the rule than the rule. So if the intention is that you will be postponing most, maybe the Commission goes the other way and makes the rule that they will always defer to the next meeting and then if I choose not to defer and suspend the by-laws so that the Commission could make a decision at the first meeting; then that would be the better way. He stated that if the Commission finds that most of them are going to go through the first time anyways and a postponement is going to be the minority, then you do that. He stated that if the Commission believes that more than 50 percent of the applications are going to be postponed, then maybe you go the other way.

Chairman Mollenkamp stated that sometimes he won't have a Ouija Board. He stated that he wouldn't know which way to go. He stated that he knows that whatever the Commission decides, they do it for one, they will have to do it for everyone.

Member Olesen stated that it could be upon determination that the Chairman feels that enough information is presented and this application the Commission can suspend the by-laws and make a decision that night. It would be a judgment call.

Member Hurst stated instead of calling it a waiver, just state that at the Commission's decision the by-laws can be suspended. The Chairman would have to ask at that time.

Chairman Mollenkamp stated that he would have to ask, because the Chair can't make that decision because one member might not have enough information, but another member may.

Member Hurst stated that it has to be known that all documents must be present for the first meeting. It can't come to the Commission after the first meeting since they aren't going to vote on it. It would defeat the purpose and he wants to be able to review all the information in the first night and have a month to think about it.

Chairman Mollenkamp stated that when the Commission had those two meetings it was pretty easy to do that but now, he doesn't feel that it is asking too much in asking a developer or applicant to go along with this. He stated that he didn't want to miss things. He stated that goodness knows they have made enough mistakes because we are lay people and the next thing you know, he is receiving nasty letters in the mail saying "who are you serving, the applicant or the citizens of North Ridgeville". That has happened a couple of times within this last year. It is because sometimes, he doesn't have enough information to see it. That is why he is proposing this amendment to include a waiver or suspension of by-laws. That is the bottom line for him.

Member Rothgery stated that you have to recall that the letter that all the members received was from someone who wasn't even here and you can tell just by the way the letter was worded.

Chairman Mollenkamp stated he understood that, but it is still very disheartening when you are sitting here and you are trying to do a job and you want the best results for the citizens of the City of North Ridgeville and you get a letter like that whether they were here or no, it is still disheartening.

Member Hurst asked if they present the first night and the general intent is to have the action taken on the second meeting, this would have to be presented to the Law Director to see if the Commission could have in this provision that if the Commission feels that they could take action that night, we can take a vote of the Commission. He didn't know if the Commission could do that legally or not.

Chairman Mollenkamp stated that if the Commission suspended the by-laws to consider that.

Member Olesen stated that the Commission could do that.

Dennis Boose stated that the Commission would need two thirds majority.

Member Olesen stated that he had another thing he was looking at in Article 5. The Administrative review: "Within five days of receipt of all applications, the Chief Building Officer, etc., etc., shall review and submit comments and recommendations to the Planning Commission." No matter what else he has to do, he has five days to get that to the Planning Commission. He asked why.

Secretary Tjotjos addressed the Chairman and stated that by code, the Chief Building Official reviews the adjacent property owners for accuracy and then submits the plans and application to Planning Commission. That is what is supposed to be reviewed within those five days.

Member Olesen wondered if that was enough time for Guy to get all this stuff reviewed done. He has to go through all the details of this thing.

Secretary Tjotjos stated that in the past, Chief Building Official has responded yes to that same question.

Member Rothgery asked if that would require a Charter change.

Secretary Tjotjos stated that it would require an amended ordinance for Section 1210.04 C.

Member Hurst read the by-law from the City of Avon, which he gave attention to the statement that the consideration time, may be waived by affirmative vote of at least four members. He stated that have that built into that section of their by-laws.

Chairman Mollenkamp stated that is what he has been saying is more or less adopt the by-law from Avon with a little more polish. But waiving the action is the same as suspending the by-laws.

Member Hurst stated that it could be made part of the meeting.

Chairman Mollenkamp stated that it would take a motion to do that. Short of any other discussion. Does the Commission have any other comments that they would like to make. We will need a motion to propose an amendment that will include

Article 4, Section 1.

Member Hurst stated that in order to be fair to the applicant, he would like this amendment to take effect no earlier than three months.

Chairman Mollenkamp stated that he wasn't thinking of imposing this by-law until the middle of the year.

It was moved by Rothgery and seconded by Anderson to propose an amendment to the by-laws to Article 4, Section 1 to read: All Requests for Action coming before the Commission shall be acted upon no earlier than the next meeting following the meeting at which it first appeared on the agenda. Applicant must be present at each meeting his/her Request for Action is being considered or reviewed. A waiver may be made by the Commission to act upon a Request for Action at the same meeting it is being presented.

Chairman Mollenkamp asked the Secretary to call the roll.

Yes, 5 No, 0

Motion on the proposed amendment has been a vote of five to zero.

Secretary Tjotjos stated that if it is the Commission's direction, she would like to forward the by-law amendment to the Law Department for review.

Chairman Mollenkamp directed the Secretary to do so. He addressed the Commission and stated he had one more item to address. He stated that he believes that the term of the Chairman's position should be two years because he stated that after the first year you take on the Chairman's position, you are finally getting the hang of it. The second year the member can finally tune it. As far as the Vice-Chairman and the liaisons could be left at the same term. The only problem that he saw was if you get elected as Chairman and you only have one year left in your term. He asked the Members to think about that. He believes that he would much rather sit in this chair for two years instead of one year and leaving it after the person actually started to learn what is going on and how the system works.

Member Rothgery asked how it would work if the commission elects someone who only has a year left to his term.

Chairman Mollenkamp stated that he would like the Commission to think about it and it can be discussed at a later date. He feels that two years is not enough.

Member Olesen agreed and compared it to being a Council member. The first year

you are elected, you are flailing around trying to get yourself organized.

Dennis Boose asked how long the terms are for the members

Chairman Mollenkamp stated four years. Like Jim and he mentioned, what happens when you only have a year left. You would be automatically disqualifying that person.

Member Hurst stated that in the by-laws it lists each position. He suggested that maybe adding parentheses there stating two year term.

Member Olesen asked why the by-laws could be suspended to let the man serve his last year out as Chairman.

Chairman Mollenkamp stated that he just feels that the two year term is something that the Chairman of this commission should have in order to give the position his or her due diligence.

Dennis Boose asked if all the terms are staggered.

Chairman Mollenkamp stated that they are staggered so that one person comes off each year.

Member Rothgery stated that he remembers nominating a gentleman as Chairman and having him render his resignation almost subsequently.

Secretary Tjotjos addressed the Chairman and stated that under Article 8, Section 8.5 of the Charter it states that the Planning Commission annually shall elect from its members a Chairman and a Vice Chairman and so, by Charter, the elections for those positions are annually.

Member Rothgery stated that the Chairman did get two years after this election.

Chairman Mollenkamp stated he knew that but he was thinking if someone else would be elected. He asked if there were any other items before the Planning Commission.


ADJOURNMENT:

Chairman Mollenkamp stated since there is no other business, this meeting is adjourned.

Meeting adjourned at 8:10 P.M.



Chairman



Secretary

February 11, 2015
Date Approved