RECORD OF PROCEEDINGS

Minutes of AUBURN TOWNSHIP ZONING COMMISSION—**REGULAR/ ORGANIZATIONAL MEETING** Meeting

GOVERNMENT FORMS & SUPPLIES 844-224-3338 FORM NO. 10148

Held 11010 Washington Street January 11, 2024 20 1

MEMBERS PRESENT: TED VAN HYNING, DENNIS BERGANSKY, GREG LACKEY, ANGELA DAUGHERTY

MEMBER ABSENT: JEFF PULSFORD, SCOTT BROCKMAN, CHAD CANFIELD

The meeting was called to order by Chairman Ted Van Hyning at 7:00 PM.

Roll call was taken. Members present: Ted Van Hyning, Dennis Bergansky, Greg Lackey, and Angela Daugherty. Members absent: Chad Canfield, Scott Brockman and Jeff Pulsford.

David Dietrich was also present.

Pledge of Allegiance was led by Angela Daugherty.

All members introduced themselves to new member Angela Daugherty.

Mr. Van Hyning commented that if there are any questions to be sure to just "hop right in."

Mr. Van Hyning moved on to the 2024 Organizational part of the meeting.

He indicated that the first item is to nominate a Chairman.

Motion by Dennis Bergansky to nominate Ted Van Hyning as the 2024 Chairman of the Auburn Township Zoning Commission. Mr. Van Hyning indicated that he would accept the nomination. **The motion was seconded by Greg Lackey. Vote: Van Hyning, abstain; Bergansky, yes; Lackey, yes; and Daugherty, yes. Motion approved.**

Motion by Dennis Bergansky to nominate Scott Brockman as the 2024 Vice-Chairman of the Auburn Township Zoning Commission. Mr. Brockman was not present, but previously indicated that he would accept the nomination. **The motion was seconded by Greg Lackey. Vote: Van Hyning, yes; Bergansky, yes; Lackey, yes; and Daugherty, yes. Motion approved.**

Motion by Dennis Bergansky to reappoint Sarah Mulleman as the 2024 Zoning Commission Secretary. The motion was seconded by Greg Lackey. Vote: Van Hyning, yes; Bergansky, yes; Lackey, yes; and Daugherty, yes. Motion approved.

Minutes from the November meeting were not available.

Mr. Van Hyning indicated that comments were finally received from Kristin Rine at the Geauga County Prosecutor's Office regarding the Family Cemetery amendment.

The Commission discussed Kristin Rine's comments.

The Zoning Commission also reviewed information from the Ohio Funeral Director Board regarding family cemeteries.

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A discussion took place regarding why the family cemetery use is being addressed as a permissive use. It was explained that currently it is not permitted because of the phrase in the resolution, "anything not listed is not permitted" and because the State of Ohio Attorney General's opinion says that this use must be allowed.

A discussion took place regarding the course of action to follow.

Mr. Bergansky indicated that the amendment should keep the verbiage, because we do not want people to bury a body on a property line, etc. The Township is just trying to protect the sanctity of the buried body, we are not trying to limit or restrict anything.

It was suggested that the Commission could add this use on the schedule without adding anything else in the Resolution.

Mr. Dietrich indicated that a footnote could be added so that no regulations in the area apply. He also felt that the Recorder's Office would be ok with this.

Mr. Bergansky asked if we could add a footnote and put a suggestion in there that there should be a marker to identify the grave/body.

Mr. Dietrich also suggested that if the Zoning Department were to receive a call on This, there could be a handout of information or offer guidance that the family cemetery is permitted but here are some suggestions to maintain the sanctity of the gravesite.

Mr. Lackey inquired if the property were sold would the cemetery site need to be disclosed.

Mr. Bergansky explained that the real estate disclosure does not require that the seller disclose that there is a dead body or a cemetery.

Discussion took place regarding different funeral and burial requirements that the State of Ohio requires.

It was decided to leave the definition of a family cemetery in Article 2. Mr. Dietrich noted that the verbiage for this definition came directly from the Ohio Revised Code definition.

Since the family cemetery will be permitted, based on state requirements, guidance from the Zoning Department will be offered when this situation comes up again; similar to what is done with an agricultural exemption.

Mr. Van Hyning commented that he liked the way it was written and felt that the more the resolution is here to guide a person along, the better.

It was also suggested that the Affidavit of Fact document be run past the Recorder's Office to see what they think.

It was also noted that Article 4 Page 3 will be left as is and that Page 10 item "o" be removed.

The amendment will be modified to reflect what was discussed at tonight's meeting and be ready for a final review at the next meeting.

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Mr. Van Hyning moved on to the next item on the agenda which was food trucks.

A discussion took place. It was suggested that we have some restrictions and limitations. Bainbridge's definition could be used but it was suggested that with how extensive theirs is it may not be the way Auburn wants to address it.

Auburn has put some thought around providing some restrictions or limitations but the goal in Auburn is to limit the number and the length of time that they can stay in one area. Mr. Bergansky felt that it is not a problem to bring them in from time to time or for an event But we do not want a permanent one sitting on the side of the road.

Mr. Van Hyning had a concern about issuing a permit and who would handle the process.

Something very basic will be written up for discussion that will include setbacks, and length of time and permitted numbers. It was also noted that Auburn does not want and it to include food trucks for private parties.

Mr. Van Hyning commented on outdoor restaurant dining requirements and restrictions. It was noted that these requirements might be more about a building and health codes than a zoning restriction.

Mr. Bergansky asked about a zoning situation on Messenger Road. A discussion took place.

Mr. Van Hyning commented on a student bus shelter amendment.

A brief discussion also took place regarding readdressing student bus shelters. It was noted that currently they are not permitted in the Township and recently another one was installed. A discussion took place. This will be addressed at a future meeting, potentially as a conditional use so they can be regulated with size and removed when not in use.

The next meeting will be February 8, 2024.

Mr. Van Hyning indicated that the Zoning Commission's meetings, going forward, will be once a month on the second Thursday of the month. Additional meetings can be scheduled if necessary. The Zoning Commission is required to have a minimum of ten (10) meetings per year.

Mr. Dietrich commented that there is one other issue that can be discussed in the future, the marijuana topic. He explained that currently townships are waiting for the resolution on this topic to be sent out from the Prosecutor's office.
He further explained, as it is now, the prohibition of marijuana would go through the Trustees and not zoning. The Trustees could make it a temporary or permanent moratorium; but if the Trustees decide to allow it, then zoning would need to be in place to control it.

A short discussion took place.

Mr. Van Hyning asked for any additional comments and also specifically asked Ms. Daugherty if she had any questions after her first meeting.

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There were no further comments.

Motion by Dennis Bergansky to adjourn the meeting. The motion was seconded by Angela Daugherty. Vote: Van Hyning, yes; Bergansky, yes; Daughety, yes; and Lackey, yes. The motion passed.

The meeting was adjourned.

Minutes submitted by:

Sarah C. Mulleman, Secretary

Minutes Approved on:

February 9, 2023

Ted Van Hyning, Chairman