RECORD OF PROCEEDINGS

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

Auburn Township Administration Building

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

Held 11010 Washington Street November 9, 2023 20 1

MEMBERS PRESENT: GREG LACKEY, JEFF PULSFORD, TED VAN HYNING, DENNIS BERGANSKY, JASON WEIN, SCOTT BROCKMAN

MEMBER ABSENT: CHAD CANFIELD

The meeting was called to order by Chairman Ted Van Hyning at 6:59 PM..

Roll call was taken with the following members present: Greg Lackey, Jeff Pulsford, Scott Brockman, Ted Van Hyning, Jason Wein, and Dennis Bergansky.

Also present was David Dietrich.

The Pledge of Allegiance was led by Scott Brockman.

There was a review of minutes from October 12th meeting. There were no comments or corrections.

Mr. Van Hyning asked for a motion to approve the minutes.

Motion by Jeff Pulsford to approve the meeting minutes from the October 12, 2023, meeting. The motion was seconded by Dennis Bergansky. Vote: Pulsford, yes; Bergansky, yes; Van Hyning, yes; Wein, yes; and Brockman, yes. The motion passed.

Mr. Van Hyning suggested that the Commission continue to address an amendment for food trucks in 2024.

Regarding food trucks, Mr. Dietrich commented that Bainbridge Township is pretty much the only Township that has something on the books regarding food trucks. He further explained that Chardon also regulates food trucks, but through a municipality licensing process. Mr. Dietrich also explained that Townships do not have the authority to regulate in this manner.

Moving on, Mr. Van Hyning indicated that the Commission received comments back from Linda Crombie and her legal rep, regarding the amendment the Commission is working on; but, the Commission has not received anything back from Kristen Rine from the Prosecutor's Office.

The Commission discussed the comments from Linda Crombie. A discussion also took place regarding the comment around the word "may".

It was explained that the word "may" was used because the Township cannot restrict the family cemeteries, but the Township would like to suggest that if a property owner decided to establish a family cemetery, they would be required to put something in their deed regarding a burial plot on the property, so that it would come up in a title search.

Mr. Dietrich also commented that the Commission could change the word "may" to "shall" and the property owner would be required to put this on their deed which would then have it come up in a title search.

The Commission proceeded in reviewing the comments from Linda Crombie and her legal rep.

A discussion took place regarding the stipulation of private property. Mr. Dietrich indicated that the Township was not going to have a family cemetery on public land and that is why the park districts were not included in the amendment.

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Comment #2 was read out loud by Mr. Brockman. Comment #2 referenced family cemeteries to be added as an accessory use in the proposed new Section 5.02(o) but it conflicts with adding it in the schedule of uses as a permitted use. It also addressed prohibiting them in the two park districts. A discussion took place.

Mr. Dietrich explained that the Township would want to have another use on the property, so in his opinion he felt the amendment was fine with what how it is written.

Mr. Brockman suggested that it be removed from the Schedule of Uses since it is addressed later in the verbiage. All members agreed.

Mr. Brockman read Comment 3. A discussion took place whether it is enforceable. Mr. Dietrich commented that it is a grey area and he would like to see Kristen Rine's input on it.

Mr. Bergansky commented that the legal question is if it can be enforced since it is not in the Ohio Revised Code.

Mr. Dietrich commented that there was a concern a few years ago in Geauga County where a certain religion was going to build a cemetery and the big concern was because they barely covered the body with dirt; so it may be something to look into for depth requirement.

Mr. Van Hyning read Comment 4. This comment indicated that Chardon was okay with the rest of the amendment as it was written, which referenced regular cemeteries.

Mr. Van Hyning commented that the Commission will wait for the comments from Kristen Rine. He also noted that if her comments are returned soon, that the Commission will have its December meeting.

A discussion took place regarding food trucks. Mr. Dietrich suggested that what was written for Bainbridge could be potentially streamlined for Auburn, if that is the action the Township would want to take.

Mr. Brockman commented that he does not think Auburn wants to be too restrictive with food trucks but that the Township does not want them to be permanent either.

Mr. Brockman also commented that the first focus is to protect the current businesses in the Township that have investments.

Mr. Dietrich commented that the Township would want to set some limits as far as timeline and number.

Mr. Brockman commented that another item to still be addressed is outdoor dining areas, the area where you can walk around with your alcoholic drink. A discussion took place.

A discussion also took place regarding Air BNB's and the issues with parties that get out of control.

A discussion took place regarding outdoor restaurants. Mr. Dietrich commented that we want it in the resolution so that it is allowed.

A discussion also took place regarding outdoor restaurant dining areas and what restrictions are placed on them when obtaining food and liquor licenses.

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Mr. Van Hyning indicated that it would be addressed at the next meeting. Mr. Dietrich also commented that Bainbridge and a few other areas have addressed this.

Mr. Brockman indicated that he would google what some restrictions that might be considered and what restrictions might be relevant beside zoning.

A brief discussion took place regarding the new marijuana laws. Mr. Dietrich commented that growing marijuana is regulated by the State of Ohio currently.

A discussion took place regarding drinking vs. smoking marijuana.

There was no further old business to discuss.

Motion by Jeff Pulsford to adjourn the meeting. The motion was seconded by Dennis Bergansky. Vote: Pulsford, yes; Bergansky, yes; Van Hyning, yes; Wein, yes; and Brockman, yes. The motion passed.

The meeting was adjourned.

Minutes submitted by:

Sarah C. Mulleman, Secretary

Minutes Approved on:

February 8, 2023

Ted Van Hyning, Chairman