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 June 13, 2024 20 1

MEMBERS PRESENT: DENNIS BERGANSKY, GREG LACKEY, JEFF PULSFORD, ANGELA DAUGHERTY

MEMBER ABSENT: SCOTT BROCKMAN, TED VAN HYNING, CHAD CANFIELD

The June 13, 2024, Auburn Township Zoning Commission meeting was called to order at 7:00 PM by Acting Chairman Jeff Pulsford.

Roll call was taken with the following members present: Jeff Pulsford, Dennis Bergansky, Greg Lackey, and Angela Daugherty.

The following members were absent: Scott Brockman, Ted Van Hyning and Chad Canfield.

The floor was opened to resident Jena Ianiro who asked to be on the agenda to present suggestions for the frequency and number of food trucks to be allowed in Auburn Township for the Zoning Commission's new amendment.

Mrs. Ianiro introduced herself to the Zoning Commission and presented to the members results from a survey that was conducted regarding food trucks.

Mrs. Ianiro was asked how the survey was distributed. She explained that the survey was sent via her Facebook account and Hoff's Facebook account and also by word of mouth to community members.

It was indicated that there was a review of the March 4th meeting minutes for amendment language. She explained that the answers that showed "at business owner's discretion" could be problematic and that there may need to be additional verbiage there.

It was noted that there are concerns that the Township does not want food truck parks.

Mrs. Ianiro distributed a copy of the results from food truck survey to members.

She also explained that the last question on the survey is in regard solely to current Auburn business owners with their own food truck on their own property.

A comment was also received regarding the November 2023, meeting when it was mentioned by Mr. Dietrich that the Township is not able to regulate food trucks in certain ways.

A comment was also received that the food truck followers felt that the prior meeting was skewed towards thinking food trucks are "bad". It was also noted that the food truck supporters feel that government should stay out of regulating food trucks and that it is not necessary to "level the playing field".

Mr. Bergansky indicated that he has a couple questions. Mr. Bergansky commented that he was approached by a resident who lives in the Auburn Corner's zoning district and that the resident is concerned about seeing permanently parked food trucks from her residential home.

Mr. Bergansky also commented that he was playing devil's advocate and asked where this survey was available at, especially since this particular resident did not receive one nor did Mr. Bergansky. Mr. Bergansky also commented that he could not find it on the Hoff's website.

Mrs. Ianiro again indicated that she had shared it on her personal facebook page and had made it public.

Mr. Bergansky indicated that the resident feels that the answers were skewed toward certain amounts of time and frequency and not truly "open" and the results were not reflective of all residents.

Mr. Bergansky asked why if a food truck is permanent, does a business not build a kitchen?

Morris Wein asked if the government mandates where/when you build a kitchen? Morris Wein further commented that the simplest way to resolve this would be to host a vote at Adam Hall.

Mrs. Daugherty commented that when "we left here last month, the residents in attendance stated they would sit down with brick-and-mortar businesses and come up with a presentation that included numbers to share with the Zoning Commission and asked what happened to that?"

It was noted from audience members that the "foodies" wanted to talk to people in the public and that the group did talk to some business owners.

Morris Wein suggested that the survey should be conducted more broadly and he also commented that he is confident the results would still be representative of the community as a whole being in support of food trucks.

Mr. Bergansky commented that the Commission must look out for all residents.

Debbie Wein stated that there is nothing about food trucks that is hurting people.

Dennis Begansky reiterated that food trucks are currently not a permitted use in Auburn Township and the Commission is trying to add language to allow them to legally do business in Auburn Township.

Morris Wein suggested that there should be some limitation based on square footage of the business lot. He also indicted that this should be decided by the residents or even by the businesses.

An unidentified Auburn resident commented that she lives across the street from businesses that host food trucks and both owners are very respectful.

Jason Wein commented that he is in favor of setbacks because "we don't want it to look trashy."

Morris Wein indicated that the Township excluded businesses from the initial conversation and democracy is the most important thing.

An unidentified member of the audience commented that there has not been data presented to prove that food trucks take away from any other local business.

Jason Wein explained that his business audience is there mostly later in the evenings and people cannot get food from local places at that time of the day, due to operating hours.

A discussion took place around what further information, if any, that the Commission would still like to see for this amendment. It was noted that this additional information was to be presented by the group to the Zoning Commission at tonight's meeting. All Commission members present stated that they did not need any additional information to proceed.

It was noted that the Zoning Commission has received all the public comment that it is going to receive on this topic and by the next meeting the frequency and other numbers are going to be filled into the amendment, so that the Commission can move forward in the process of this amendment. It was also explained that the next step in the amendment process is to forward the proposed amendment for legal review from the Geauga County Prosecutor's office.

Mrs. Daugherty commented that we have seen comments in favor of and opposed to food trucks and this survey does not feel representative of the Township as a whole.

It was also noted that the options for answers on the survey did not seem to be impartial.

Mr. Bergansky commented on previous accusations regarding Mrs. Daugherty being Craig Sirna's neighbor and Mr. Bergansky being Mr. Sirna's brother-in-law and how those perceived relationships have no bearing on this discussion or their impartiality.

David Dietrich commented that there is only one other township in Geauga County that regulates food trucks and that is Bainbridge Township. He further commented that allowing food trucks is a difficult topic and the Auburn Township's Zoning Commission wants to allow them. Mr. Dietrich also commented that moving forward, "let's proceed conservatively" and the amendment can be adjusted in the future if necessary.

Mr. Dietrich was asked what conservatively mean?

Mr. Dietrich explained that it is safer to start with less days and less trucks and see how that works. Mr. Dietrich also commented that he has not seen any case law on this topic.

An audience member asked if anybody, including Mr. Dietrich, had read Bainbridge's amendment on food trucks?

Mr. Dietrich commented that yes, he had and actually he explained that "he wrote it" for Bainbridge. He also advised that Auburn and Bainbridge are two separate and different communities.

Morris Wein addressed the discussion of kitchens vs food trucks. He explained that the businesses cannot afford the cost of a kitchen, at this point. He further explained that in lieu of installing a commercial kitchen, the business is trying to find a creative way to serve food to its customers.

Mr. Bergansky commented that a kitchen should be in an establishment that needs to serve food.

Morris Wein stated that their business does not want a restaurant.

Mr. Bergansky again explained what the Zoning Commission is trying to accomplish; that food trucks are currently not a permitted use in Auburn Township and to permit them they will be regulated for health and safety concerns.

The Commission does not want a food truck to become a permanent eyesore or be unsafe. Food trucks are a commercial use and will be regulated for health and safety reasons.

A comment from the public indicated that residents took exception to someone at the last meeting saying they want to level the playing field and that government should not interfere in the success or failure of any business.

A discussion took place regarding this comment.

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Mrs. Daugherty explained that her expectation when coming into this meeting was that the Commission members were going to be provided with information based on discussions between the businesses regarding food trucks and their frequency and numbers.

Mr. Pulsford closed public comment and indicated that the Commission is going to move on to New Business.

Under New Business, a discussion took place about adjusting the Zoning Commission's regular meeting schedule.

It was noted that the fourth Thursday of the months of June, July, August, September, October will be added to the regular meeting schedule. It was noted that the meetings can be cancelled if the Commission does not need to meet.

A required legal notice will advertise the adjustment in the regular meeting schedule for the Zoning Commission.

Motion by Dennis Bergansky to add the following meetings to the Zoning Commissions regular meeting schedule for 2024: June 27th, July 25th. August 22nd. September 26th, and October 24th.

The motion was seconded by Angela Daugherty.

Vote: Bergansky, yes; Pulsford, yes; Daugherty, yes; and Lackey, yes.

The next item on the agenda was a discussion on when to initate the new amendment that will include family cemeteries and also the Ohio Revised Code adjustments to wind farms.

For audience members, there was a short explanation regarding family cemeteries and property owners' legal right to be buried on their property, per the Ohio Revised Code.

It was noted that those two items, family cemeteries and wind farms, have been reviewed by the Prosecutor's Office and their suggestions were incorporated into the proposed amendment.

Mr. Bergansky indicated that the Commission should go ahead and prepare the paperwork to initiate the amendment.

The date will be calculated and coordinated with the Planning Commission to see which Zoning Commission meeting the amendment can be initiated at.

Mr. Pulsford indicated that the next item up for discussion was changing the height of accessory buildings. Mr. Dietrich was asked for his suggestions. Mr. Dietrich indicated that currently the maximum height is twenty-three feet, encourages people to convert the upper level into living quarters rather than just storage, and we do not want to encourage that. Mr. Dietrich suggested 18 feet, which is what a lot of the townships use in the county. It was noted that Frank Kitko was leaning toward twenty feet (20').

Mr. Bergansky and Mr. Pulsford commented that the bigger RV's would need at least a 14 foot door, especially with the a/c units on top of the camper.

A discussion took place regarding how frequently the taller structures are being converted into living space.

Mr. Dietrich commented that 18' to 20' with the header would work to accommodate taller vehicles.

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It was noted that this is the outside overall height.

Mr. Pulsford tabled this to the next meeting for further discussion.

The next meeting will be Thursday, June 27th.

Jena Ianiro asked about information regarding the State of Ohio taking zoning control away from Townships.

A question was asked about getting important information like that out to the public so that people know what is happening.

Mr. Dietrich indicated that there is a model resolution that Jonathan Tiber, a Hamden Township Trustee, sent out, that most of the townships have adopted. Mr. Dietrich was not sure if Auburn Township had adopted this yet or not. Mr. Dietrich explained that this resolution indicates that the State of Ohio should not interfere with local Township business regarding zoning.

Mr. Bergansky summarized that the Zoning Commission is getting a bad wrap regarding food trucks, when what is actually being done, is to set it up to allow them; he indicated that people are insinuating that we are trying to block food trucks from being allowed.

There was no further comments or questions.

Motion by Greg Lackey to adjourn the meeting. The motion was seconded by Angela Daugherty. Vote: Bergansky, yes; Pulsford, yes; Daugherty, yes; and Lackey, yes. The motion passed.

The meeting was adjourned.

Minutes submitted by:

Minutes Approved on:

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Sarah C. Mulleman, Secretary

June 27, 2024

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Jeff Pulsford, Acting Chairman