

**KINGSTON TOWNSHIP ZONING COMMISSION  
MEETING MINUTES**

**APPROVED: March 18, 2009 As Amended**

**DATE: January 21, 2009**  
**LOCATION: Kingston Township Hall**  
**TIME CALLED TO ORDER: 7:04 PM by Chairman Harsany**

<b>MEMBERS PRESENT:</b>	<b>(CHECK ONE)</b>		
<b>BURRELL</b>	<b>YES</b>	<b>X</b>	<b>NO</b>
<b>GROVE</b>	<b>YES</b>	<b>X</b>	<b>NO</b>
<b>STEINHOFF</b>	<b>YES</b>	<b>X</b>	<b>NO</b>
<b>HARSANY</b>	<b>YES</b>	<b>X</b>	<b>NO</b>
<b>DEAVERS</b>	<b>YES</b>	<b>X</b>	<b>NO</b>
<b>FILBERT</b>	<b>YES</b>	<b>X</b>	<b>NO</b>
<b>TALBOTT</b>	<b>YES</b>	<b>X</b>	<b>NO</b>
<b>STITES</b>	<b>YES</b>	<b>X</b>	<b>NO</b>

**PUBLIC PRESENT: None**

**APPROVAL OF MINUTES:**

Member Burrell pointed out two corrections to the draft minutes and made a motion to approve Meeting Minutes dated December 17, 2008 as amended. The motion was seconded by Member Steinhoff and was unanimously approved.

**ZONING REPORT:**

The Zoning Commission was provided a copy of the December 2008 Zoning Report to the Trustees *attached as Item 1*. Zoning Inspector Talbott advised Members that the Township is very close to completing the documents necessary to approve the NorthStar Final Plan including the transfer and right-of-entry agreements. They were also advised that no ruling has been issued by the federal court regarding dismissal of the Pastures at Blue Church litigation.

He informed them that the Trustees had authorized bidding of a Phase 1 Environmental Assessment of the NorthStar property to be transferred that includes soil borings to determine constructability and a soil percolation test to determine septic system suitability. In addition to newspaper advertisement, he indicated that he had contacted seven environmental firms in the area to help generate bidding interest, and that bids will be opened at the February Trustees Meeting.

Members were advised that at their January 5, 2009 meeting, the Trustees passed a resolution moving their monthly meetings from the first Monday of the month to the first Tuesday of the month to avoid holiday and travel conflicts. Consequently, the February Trustees Meeting will be held on Tuesday, February 3, 2009.

An updated Zoning Commission Roster was distributed to each Member and *attached as Item 2*. Members again were encouraged to participate in Delaware County Regional Planning Office Zoning Workshop to be held on Saturday, January 24, 2009.

A copy of a funding request fact sheet, prepared by the Zoning Office to justify text amendment assistance from the Delaware County Regional Planning Office to the Trustees, was distributed and *attached as Item 3*. Members were informed that the Trustees approved the funding request for up to \$8,000 at their January 5, 2009 meeting. Member Burrell was thanked for presenting the request at that meeting, and Member Steinhoff was thanked for his support during the meeting.

#### **Media Articles:**

Several documents/articles were distributed for information including:

- Solar Panel Conflict, Columbus Dispatch, November 16, 2008 *attached as Item 4*.
- NorthStar Sewer Plant To County, Delaware Gazette, November 26, 2008 *attached as Item 5*.

A general discussion took place regarding the solar panel conflict (*Item 4*) where the homeowner had received approval for the installation from one person within the regulatory agency to then receive a zoning violation notice by another person in the same regulatory agency once a public complaint was received. Everyone felt that the incident reflected poorly upon the regulatory agency, and that something similar must not occur within the Kingston Township Zoning Office.

#### **OLD BUSINESS:**

A copy of the judgment entry from the Ninth District Court of Appeals of Ohio regarding the constitutionality of the Congress Township Zoning Resolution, Wayne County was distributed and *attached as Item 6*. The appeals court ruling was appealed to the Ohio Supreme Court and the case was heard on December 17, 2008. Member Deavers briefed the Zoning Commission regarding case specifics including the lack of a comprehensive plan in Congress Township, Ohio along with the fact that not all districts covered in their zoning resolution were listed on zoning map. Member Deavers advised that the Ohio Supreme Court had not yet ruled on the matter, and further discussion was tabled until their verdict is published.

#### **Zoning Resolution Text Review & Amendment Process**

The Zoning Commission was provided a draft copy of the proposed contract between Kingston Township and the Delaware County Regional Planning Commission to assist the Zoning Commission with the text amendment review of the Kingston Township Zoning Resolution. Key points raised during the discussion are listed below:

Item #2, Second Paragraph—Zoning Inspector Talbott will serve as the Zoning Commission designee to work directly with the DCRPC regarding text amendments.

Item #3, Scope Of Services—The existing Scope Of Services must be expanded to specifically address the following items:

- Language stating that DCRPC will complete a general review for consistency with current Ohio Revised Code and county regulations.
- DCRPC will complete a general review for overall document consistency.
- The Kingston Township Zoning Commission reserves the right to temporarily suspend work on the text amendment process if their attention must be diverted to a development application or other required matter.

- The Definitions Section will be the last reviewed since it will be impacted by all changes recommended by DCRPC and approved by the Zoning Commission.
- As the review process progresses, DCRPC will implement approved changes into a working Microsoft Word document. When completed, DCRPC will provide a disc containing the final document in both Microsoft Word (compatible with Word 97-2003) and PDF format suitable for printing by Rabbit Quick Copy Center in Delaware.
- Include a monthly schedule in terms of which articles will be addressed in what order. This will allow Kingston Township to post notice on both the website and in the newsletter should township residents desire to attend meetings related to specific topics. Kingston Township high priority items should be highlighted in the monthly schedule. These topics include: lighting, signs, cell towers/wind turbines, nuisances, protective overlays, and adult entertainment businesses.
- As the Zoning Commission meets on the third Wednesday of each month, sectional changes will be forwarded by e-mail to the Zoning Office and all Members at their home e-mail addresses (to be provided by Kingston Township) by the close of business on the second Wednesday of each month.
- The DCRPC project representative will attend monthly Zoning Commission Meetings to discuss recommended changes/modifications. Changes approved at the meeting will be incorporated by DCRPC into the working document to keep it current.
- The monthly invoices from DCRPC shall include man hours expended versus total man hours in their estimate, a short recap of the monthly accomplishments and an itemized list of expenses including mileage, reproduction costs, etc.

Item C, Expenses & Materials—Change the number of reproduction copies to ten (10) rather than fifteen.

Item D, Overtime Rate—Kingston Township is opposed to paying overtime to attend Zoning Commission Meetings. Our expectation is that DCRPC staff will adjust their normal weekly work schedule to stay within 40 hours.

Item F, Maximum Fee For Services—During discussions with DCRPC, Kingston Township Staff indicated that our desire was for the project representative to attend monthly Zoning Commission Meetings to discuss text changes/modifications on a section by section basis, and that these meetings are covered in the “not to exceed \$8, 000” dollar amount. Meeting attendance is also mentioned in Item 3, Scope of Services. How many meetings were projected in the proposed budget figure?

Item 9, Terms & Termination—The commencement date requires clarification. It is the desire of Kingston Township to begin the review process as soon as the contract is signed by the Trustees. We desire to present the contract for Trustee approval at their monthly meeting on February 3<sup>rd</sup>, and would like to commence work at a kick-off meeting on Wednesday, February 18<sup>th</sup> with the Zoning Commission at the Kingston Township Hall.

The Zoning Office was asked to negotiate these changes and present the contract for Trustee approval at their February 3, 2009 meeting.

**NEW BUSINESS:**

Alternate Filbert indicated that while the Ohio Revised Code provides Trustees with the authority to appoint up to two alternates to the Zoning Commission, he found that Article 20, Section 4.01 of the Kingston Township Zoning Resolution does not address alternate members. The Zoning Commission agreed with his assessment, and requested Secretary Stites add this item to a list of text amendment review changes that require attention.

**FOLLOW UP ITEMS:**

- Zoning Office to negotiate final contract for Regional Planning text amendment review assistance.

**ADJOURNMENT:**

Member Burrell made a motion for adjournment. The motion was seconded by Member Steinhoff, and was unanimously approved.

**TIME: 8:28 PM**

**SUBMITTED BY:** Dave Stites, Zoning Secretary/Assistant Zoning Inspector

KZC Minutes 01-21-09