

***City of Riverside
Planning Commission Meeting***

***August 25, 2021
Work Session***

Members Present: Julie Denning
Jonathon Hairston
David Owens
Anthony Rodgers
Harold Vazquez

Others Present: Nia Holt, Zoning Administrator
Gary Burkholder, Community Development Director

CALL TO ORDER: The Planning Commission meeting was called to order at 6:31 p.m.

ROLL CALL: Mrs. Denning, present; Mr. Hairston, absent for roll call (arrived at 6:35 pm); Mr. Owens, present; Mr. Rodgers, present; and Mr. Vazquez, present.

WORK SESSION TOPICS:

A) Ethics - Mr. Burkholder stated that council has passed legislation to require training and continuing education for both the planning commission and BZA, and will put funding into the budget for this. He stated they will embark on the comprehensive plan and have put together funding to update that plan. He is aware that it needs updated and it will be a major project going into 2022. He commented that the training is to keep them and get them on the same page. They will move through the planning process, which will be foundation for the land use, but also when they go to making changes to the zoning code. It will be built through a robust community engagement process. He stated they will go through some of the APA training and stated the videos can be revisited. In addition, if there are any ethics questions, they can serve as a resource and use the city legal counsel as well.

Discussion was held on the comprehensive plan and the input and how that will happen. The future and vision for Riverside is what this needs to communicate.

Discussion was held on methods of training if they were in person or virtual. Ms. Holt stated both are acceptable, the APA puts out a lot of webinars, but has in-person opportunities and training. She stated as they come up they will share with planning commission. Mr. Rodgers asked about documentation of virtual meetings. Ms. Holt stated that online classes if done in real time often provide a certificate, but they will work with planning commission on attending virtual classes. Mr. Burkholder stated council just wants to provide them with tools and they do not wish to make it overly burdensome on the commission. The city will cover costs for training. Discussion was held on the training at Sinclair in November. Discussion was held on certificates and extra time spent on training and education.

B) Planning Commission Bylaws – The planning commission went over the bylaws in order of the document they were provided. Mr. Burkholder stated that bylaws are helpful to new members when there isn't an orientation as it condenses responsibilities and the role in everything. Each year these should be edited and adopted at their reorganization meeting. Chairperson Denning asked if they would be doing Sunshine Law training as she was sent to one. Mr. Burkholder stated he did not know if they would be doing that as council has a designee, the Clerk of Council, that does that for them. He stated ethics training, ex-parte, or conflict of interest is excellent training. Some of those are paid speakers from the Ohio Ethics Commission or the Ohio Attorney General's office and they could do that as well as training. Mr. Rodgers stated they will send someone to speak for free from the AGs office. He added that Sunshine Laws training would be good for new members though he doesn't see it referenced in training subjects. Ms. Holt stated it could be added. Discussion was had on that training and possible adding that as subject matter. The commission agreed that was good training for all to attend.

Chairperson Denning stated she went to some local things with Ms. Ennist that included classes about corridors, multi-use overlays, etc... She stated that was one of the most informational sessions she had attended. Ms. Holt mentioned some virtual conferences coming up that discuss new trends in mixed-use. Chairperson Denning stated the one she went to was very local to the cities in the area and had 4 – 5 sessions. Mr. Burkholder mentioned a meeting he attended that had to do with the philosophy or approach when redeveloping a city. Chairperson Denning stated that while they have standards, there may be design elements that are cheaper or newer, and as one speaker mentioned they need to be somewhat flexible if they want bigger companies to come. Mr. Burkholder stated they will work with the commission on suggestions and possibilities.

Chairperson Denning added that when she goes to hear speakers it is more beneficial to hear local and regional speakers versus at a state level as individual questions may only pertain to one city or there is something specific that can't be addressed at meetings with broader topics.

Mr. Rodgers mentioned a few typographical changes that needed to be made. He pointed out in Section 4.06 where it talks about staff reports being provided to the commission 10 days in advance of meeting, it is the meeting packet. He stated it is more than staff reports and should probably be referenced as their packet. Discussion was held on electronic packets. Chairperson Denning stated she prefers the paper packets and doesn't understand why they can't continue with that as it is 30 minutes to deliver all the packets. Mr. Burkholder stated they are completely slammed with work and they need to use the time for other things. He added they can print them or provide paper and ink should that be needed. Chairperson Denning asked if a secretary could do the deliveries. Mr. Burkholder stated that has changed as far as the full-time person and the part-time person(s); they are still down in staff by 20% compared to 2018. There were five staff members at that time and they now have four, and they are doing much more than was previously done. He stated he would talk with the city manager about it. The workload is increasing, permits have increased, and violations are over 900 for the year, already. Discussion was held on mailing, but they may not get it in time. Chairperson Denning asked if once a month Robert could take 30 minutes to deliver packets. Mr. Burkholder suggested she reach out to the city manager with her request as he cannot speak for him. Mr. Rodgers asked if maybe it could be option for some as he does not mind the virtual packet. He knows it is more efficient, but not everybody likes it. Ms. Holt stated that people who request physical copies let her know and she has them printed for pick-up by them. Mr.

Burkholder added that the 10-day time frame is sometimes hard as things come in last minute and some items are incomplete and get held until the next meeting. They don't like to do that, but they are also discussing limiting the number of cases per meeting though a number has not yet been determined. Discussion was held on the amount of information of what may be late and how to update planning commission. Chairperson Denning stated she wants to still have a discussion with the city manager on the packets. While she understands how much work they have coming in, she thinks it is a minor request for them to be as prepared as possible.

Mr. Rodgers stated that they needed to reference in-person and virtual trainings and include Sunshine Laws training as previously discussed. He stated that the term 'shall' on the top of page three in legal terms means a person has to, while 'may' could be a better term. They need to have consistency with the wording. They determined to use the term 'may' over 'shall'.

Ms. Holt asked about an annual organizational meeting as referenced by Huber Heights and if they would be interested in adding that. Mr. Rodgers stated it is when the chair is elected, bylaws are affirmed, etc... Chairperson Denning asked about meeting cancelations. There had been an issue before when they may not have cases, but they had things they were working on. The staff member at the time when seeing no cases would just cancel the meeting. She stated they want to work on things that are before them even if they don't have a case. They do not just want to cancel. She would like to have language that indicates discussion with a chairperson or co-chair takes place prior to cancelation of a meeting. Mr. Burkholder agreed that even if there are no cases there is always something to discuss or work on. Ms. Holt asked for any members to sent her suggested language and she can include that for Section 5.06. Mr. Rodgers stated it is also in Section 5.01.

Chairperson Denning asked about executive session as she had been told they couldn't go into executive session, but would like examples of what they could meet in executive session for. Mr. Rodgers stated items like pending litigation with city attorney, some economic development issues, or personnel matters. Ms. Holt stated it is rare, but it could happen.

Mr. Rodgers stated on they may want to review the agenda to make sure they have the appropriate categories. Some of the other communities have an extensive list; he just wants it to be thorough enough that includes all the things they think might be on their agendas.

Chairperson Denning stated that bylaws are a guide and is designed to help them. Discussion was held on how each person gets three minutes to speak, but when there has been overwhelming attendance, they may want to limit to an overall time of discussion. It was determined to take out an overall or accumulated time and to keep a time limit on each individual. Discussion was held on the chair limiting persons speaking to three minutes per person, and allowing the applicant a time of rebuttal, if needed. Ms. Holt stated that when there are a large number of attendees, they need more order and structure. Mr. Rodgers stated there is a process of suspension of the rules. Discussion continued on the process to handle large crowds and what they can do so that everyone can be heard.

Mr. Rodgers stated under Section 5.08(d) Absences it should stated absent from three regular meetings versus special meetings. That is standard. Chairperson Denning added that some of her organizations reference them as 'unexcused meetings' and not just 'meetings' because there are

times that happens. If they do that, then either the zoning administrator or chairperson is notified ahead of time, unless it is an emergency, it is normally 24 hours prior to the meeting if a person wants to be considered excused. Mr. Rodgers asked what the charter said regarding how council handles it. Ms. Holt indicated she would look into that. Discussion was held on consecutive versus non-consecutive meetings. It was determined to state 'three unexcused regular meetings'. There must also be notification of some sort; if they later find an emergency, then they can go back at the next meeting and excuse the person. They will then make some guidelines on what constitutes an excused absence. Discussion continued about when they need to be notified in order to make it an excused absence and the current and best practices they should follow.

Discussion was held on conditional uses and revocations. Chairperson Denning read the section regarding revocation and that it was a bit confusing. She stated they have suggested to council to rezone a property, but if someone hasn't moved on a property that has been rezoned, do they have the right to make a recommendation to council to revoke that. Ms. Holt stated that is a great legal question. Mr. Burkholder replied that he thinks the question has been asked and he doesn't believe so. Mr. Hairston stated it is just a recommendation they are making. Ms. Holt added that they notify them their approval has expired; they aren't actually taking that approval away. This process would formally take the approval away. Mr. Hairston asked instead of just expiring, why don't they just revoke it automatically. Ms. Holt stated that requires a change in the UDO. She added she presented them this information on conditional uses as a recommendation. Mr. Rodgers confirmed that the things they discuss would be on where the planning commission has the final say and it goes no further. Ms. Holt replied that was correct.

Mr. Rodgers suggested they may wish to consider some detail about conduct of the members and in a lot of other bylaws there were sections on order or decorum for the members and public where things crossed the line on appropriate behavior. They may want to consider language around those issues. Mr. Burkholder stated that is helpful and some communities had to do that due to raucous meetings. Discussion was held on meetings that have had people needing removed both public and commissioners. It was decided to pull language from other bylaws and put in their bylaws.

Mr. Rodgers thanked Ms. Holt for having a document ready to read so they could make changes as it was helpful. Chairperson Denning stated that they want more business; they just need them to do what they say they are going to do. Mr. Burkholder stated he was thankful for council and commissioners notifying his department when a business is doing something it should not be. Chairperson Denning asked about the corner of Linden and Woodman. Mr. Burkholder stated that the Waffle House is not making any plans for this year and possibly not next year, either. He added they are following up on enforcement cases. There are a number of people who open businesses who don't get a building permit, and all are advised when they get the zoning permit they still need to get a building permit. They are working on a checklist for businesses that tells them all the things they need to do. Since they don't have a building department, some are confused once they get the zoning/occupancy permit not realizing they still need to go to Montgomery County Building. Ms. Holt stated that the zoning permit has the county building permit number. They also need to put information on the website as that is the future. Chairperson Denning stated what they put on a website should only require one click to get to it. Discussion was had on making it easier for the user online and more of a one-stop shopping.

C) Discussion Standards for Approval – Ms. Holt stated they discussed this at the legal update. They will bring it up again to help keep reviews and decisions fair and consistent for all applicants that come through.

Chairperson Denning stated she was changing things around on the list of possible action items they have been discussing like first draft goals, second draft goals, as she thinks it is important to have goals after they assign something and when they expect to see a first draft and that type of thing. They may need to take time at a meeting to go over some wording somebody wants to review. She doesn't know when they want to start assigning, but some are important to try to get to. Fences is a hot topic now and they should try to look at that as soon as possible. Sign standards is also a big topic as businesses come regularly for variances. She asked everyone to review it and see if there a couple of things they may be interested in doing the leg work on, they can assign it at the next meeting. Ms. Holt stated they need to add 'accessory structures' as a topic for research. There is a lack of clarity on that section.

ADJOURNMENT: Mr. Owens motioned to adjourn. Mr. Rodgers seconded the motion. All were in favor; none were opposed. The meeting was adjourned at 8:10 pm.

Chairperson

Date