

COLERAIN TOWNSHIP ZONING COMMISSION
Regular & Organizational Meeting Minutes
Tuesday, January 18, 2022- 6:00 p.m.

Colerain Township Government Complex
4200 Springdale Road - Cincinnati, OH 45251

Meeting called to order: 6:00 pm.

The Pledge of Allegiance: was led by Ms. McMullin.

Roll Call: Mr. Fehring – absent, Ms. McMullin – aye, Ms. Smith – aye, Mr. Gehring – aye. Mr. Grote - absent

Mr. Westfall was seated to fill the vacancy.

Also present was Staff member, Jarrod Alig, and Alternate, Tom Westfall, and Sarah Schild as Legal Staff (late arrival to meeting, please see below)

Oath of Office: postponed until Legal Staff arrived.

Election of Officers

Ms. McMullin requested a nomination for Chair

Mr. Gehring made a motion to nominate Mr. Grote (in his absence) as Chairperson, Mr. Westfall seconded.

Roll Call: Ms. Smith – aye, Mr. Gehring – aye. Mr. Westfall - aye Ms. McMullin – aye

Motion passed. Mr. Grote appointed as Chair

Ms. McMullin requested a nomination for Vice-Chair

Mr. Gehring made a motion to nominate Ms. McMullin, Mr. Westfall seconded.

Roll Call: Ms. Smith – aye, Mr. Gehring – aye. Mr. Westfall - aye Ms. McMullin – aye

Motion passed. Ms. McMullin appointed as Vice-Chairperson

Approval of Minutes:

A motion was made by Mr. Westfall, and seconded by Ms. Smith to approve the minutes of the December 21, 2021, meeting as submitted.

Roll Call: Ms. Smith – aye, Mr. Gehring – abstain. Mr. Westfall – abstain, Ms. McMullin – aye

Motion passed.

At approximately six minutes and thirty seconds (6:06:34 P.M.) into the meeting Legal Staff arrived.

Oath of Office:

Mr. Timothy Bachman was sworn in by Legal Staff as an alternate member of the Colerain Township Zoning Commission, and was subsequently seated as an alternate member at the meeting.

Public Address: - Ms. Stephanie Wright asked for the Legal Staff to be identified for the record, Ms. Schild introduced herself and stated her employing law firm.

Ms. Wright inquired as to the Zoning Commission's adherence to "Robert's Rules of Law", due to Staff not calling the Commissioners in alphabetical order, an answer was provided by Staff. Ms. Wright inquired as to the manner in which Mr. Bachman was interviewed, Mr. Bachman answered.

Final Development Plan: - None

Public Hearings:

Case ZA2022-01 - Zoning Text Amendment - Charitable Donation Containers

A motion was made by Mr. Gehring, and seconded by Mr. Westfall to open the public portion for the hearing on case ZA2022-01.

Roll Call: Mrs. Smith – aye, Mr. Gehring – aye. Mr. Westfall – aye, Mr. Bachman - aye, Ms. McMullin – aye.

Motion passed.

Legal Staff swore in all who stood indicating their desire to speak on the matter.

Ms. McMullin introduced the case, and asked if anyone present would like to speak on the matter.

Ms. Stephanie Wright, of 3729 Blue Rock Rd indicated her desire to speak on the matter and was asked to approach the podium. Ms. Stephanie Wright indicated that "Donation Bins" have been a problem for a period of at least two years. Ms. Wright indicated that she believed Mr. Marty Kohler was the individual who prepared the presented Text Amendment. Staff indicated that present Staff is who prepared the proposed Text Amendment.

Ms. McMullin asked if anyone else present would like to speak, seeing an affirmative response Ms. McMullin indicated the individual needed to be sworn-in.

Legal Staff swore in the attendee as the attendee had not stood to be sworn in prior.

Ms. Debbie Hoerst, with Compton Recycling, indicated her opposition to Charitable Donation Containers Text Amendment and that the Zoning Commission should not pass the proposed Text Amendment.

Ms. Veronica Kramer, of 2526 Compton Rd., it is Staff's interpretation that Ms. Kramer indicated her opposition to Charitable Donation Containers.

Ms. McMullin asked if anyone else present would like to speak, seeing none she requested a motion be made to close the public portion of the hearing.

A motion was made by Mrs. Smith, and seconded by Mr. Gehring to close the public portion of the hearing on case ZA2022-01.

Roll Call: Mrs. Smith – aye, Mr. Gehring – aye. Mr. Westfall – aye, Mr. Bachman - aye, Ms. McMullin – aye

Motion passed.

A motion was made by Ms. Smith, and seconded by Mr. Gehring to open the portion of the hearing to discussion by the Zoning Commissioners on case ZA2022-01.

Roll Call: Mrs. Smith – aye, Mr. Gehring – aye. Mr. Westfall – aye, Mr. Bachman - aye, Ms. McMullin – aye

Motion passed.

Discussion of the commissioners noted the need for the problem of Charitable Donation Containers to be addressed. Given the length of the legal process, it was indicated that zoning regulation seemed to be the most prudent course of action.

Discussion was given as to methodology and practicality of enforcing violations of the proposed zoning regulations.

The Zoning Commission presented a shortcoming of the proposed Text Amendment regarding the maximum size permitted of Charitable Donation Containers as indicated by the proposed

Text Amendment, but its lack of clarification of not addressing the minimum size of donation containers. Staff indicated that a modification would be made in the proposed Text Amendment to not include neighborhood book donation points.

Discussion was given to addressing the prohibition of any trash in the surrounding areas of the Charitable Donation Containers being incorporated in the proposed Charitable Donation Containers Text Amendment.

Discussion by the Zoning Commission was presented as to regulating the items that were permitted to be donated to Charitable Donation Containers.

Zoning Commissioner asked Staff if it would be possible to require a local contact be listed on the Charitable Donation Containers. Legal Staff was not certain if that would be permissible.

A large portion of discussion was focused on the enforcement process of the proposed Text Amendment, and the experience and concerns of the Zoning Commissioners. Staff, and Legal Staff attempted to answer all questions posed the Commissioners. Commissioners restated the present situation was that at the moment, there were no regulations which exists to address Charitable Donation Containers

Hearing no requests for further discussion, Ms. McMullin requested a motion to close the ~~portion~~ ^{portion} of the hearing. *Parlan # 5-17-22*

A motion was made by Mr. Gehring, and seconded by Mrs. Smith to close the Zoning Commissioners discussion portion of the hearing on case ZA2022-01.

Roll Call: Mrs. Smith – aye, Mr. Gehring – aye. Mr. Westfall – aye, Mr. Bachman - aye, Ms. McMullin – aye

Motion passed.

A motion was made by Mr. Gehring, and seconded by Mr. Bachman to make a recommendation to **approve with conditions**, Case ZA2022-01 - Zoning Text Amendment - Charitable Donation Containers.

Roll Call: Mrs. Smith – aye, Mr. Gehring – aye. Mr. Westfall – aye, Mr. Bachman - aye, Ms. McMullin – aye

Motion passed.

Informal Concept Review – None.

Old Business – None.

New Business – None.

Administration – None.

Announcements – Staff announced the Colerain Township Administration’s intention to pursue SolSmart designation in the coming

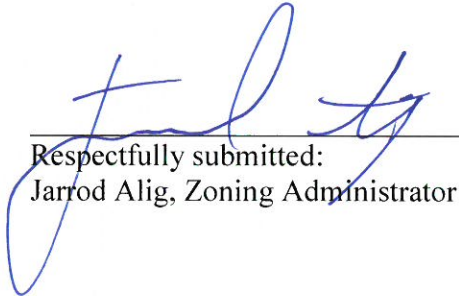
Comb Year (2022). *HA 5-17-22*
Next Meeting – Tuesday March 15, 2022.

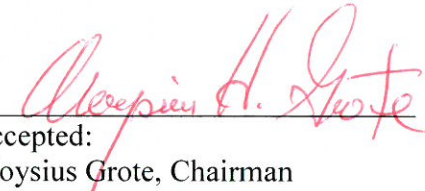
Adjournment – Ms. McMullin requested a motion to adjourn. Mr. Westfall made a motion, seconded by Mrs. Smith.

Roll Call: Mrs. Smith – aye, Mr. Gehring – aye. Mr. Westfall – aye, Mr. Bachman - aye, Ms. McMullin – aye

Motion passed.

Meeting Adjourned at 7:17pm


Respectfully submitted:
Jarrod Alig, Zoning Administrator


Accepted:
Aloysius Grote, Chairman