

## Planning Commission Agenda

October 13, 2020

### Call to Order

#### Pledge of Allegiance

### Approval of previous minutes

### Citizens:

#### Zoning Inspector's Report turned in and on file

New

### Business:

Work on what the fee for rental inspections will be and should the inspector be certified /licensed per council's request. Also work on boarding houses and multifamily homes in RR. **Kim Ule to attend meeting**

Review Legislation changes to send to Council- Edie Benner request for review of 450.09 lighted signage

Review Legislation changes to recommend Maintenance Code section 480.00 to see if it's ready to go to Council.

480.12(A) (1) discussed dilapidated automobiles. Generally we've permitted parking vehicles in the open as long as they're registered with valid plates. We may want to look at this.

480.12 (A) (2) no changes

480.12(b) Trees, grass and shrubbery:

(1) All trees, shrubs or plants should be trimmed of dead, decayed or broken portions thereof and the debris properly disposed of.

(2) Grass and weeds ~~on improved parcels~~ shall be maintained, controlled and cut on a regular basis. Grass or weeds in excess of 9 inches in height constitute a public nuisance and health risk. *["On improved parcels" was stricken, but no new language was added]*

480.12(C) (1) no changes

480.12(C) (2) no changes

480.12(d) no changes

480.12(e) Ground-Surface Hazards: Holes, cracks, excavations, breaks, projection and obstructions ~~at any place on the premises in the public right-of-way~~ which are a hazard to persons using the premises shall not be permitted. *["At any place on the premises" was stricken and replaced with "in the public right of way"]*

480.12(f) no changes

480.12(f) Sidewalks: Shall be maintained in good repair in accordance with Village Ordinance No. 1995-25

One of the Mayors neighbors wants to know what the regulations are for the sidewalks (per John Clark). Residents are responsible for the sidewalks. Planning is supposed to come up with letters to replace sidewalks, not the Village Administrator nor the Zoning Inspector, to let residents know they need to replace the sidewalk. It is the 913.03 Service Code.

The next time the Planning commission needs to review sidewalks for repair is April 2021. John Trew stated that contract bids would come in, and then the residents would pay for the repairs. Wes said that he knew of someone and Scott told Wes to go ahead and get quotes.

### **Old Business:**

Landmark Committee request for review of street post signs and quote (**John T to contact Dist. 4, village can't deviate from State Regulations**) Chad Root from ODOT called me on Friday about this I referred him to John T

Matts Rd Bridge-Businesses – Council approved applying for Ohio Municipal Bridge funding. Grant submitted. Also, applying for the Ohio Bridge Partnership. Received word on October 29, 2019 that we did not get funding for the Municipal Bridge Program. We still have a chance at the Ohio Bridge Partnership Program.

### **Zoning/Maintenance issues**

4587 W. Franklin, Kirt/ Tabatha Teter residential construction w/o permits letter from P.C. Bldg. Depart  
10730 First St., Christopher Mathews construction w/o permits letter from P.C. Bldg.  
Depart 4474 W. Prospect, Scot Angle lawn and house  
4741 E. Prospect, Lucas Randall 8188 Cooley Rd., Ravenna, Ohio 44266 shrubbery getting out of hand  
10760 Main St. Brent Minerovic mailing address 4766 Streeter Rd Mantua. Occupancy permit for Dr. Office changed into apartment

### **Adjourn**

## Planning Minutes September 8, 2020

John Clark Chair called the meeting to order at 6:30

Members present: John Clark, Scott Weaver Tammy Meyer, Mayor Clark and Wes Hawkins

Others present: Michele Stuck, John Trew and Kim Ule

**Motion to approve the August minutes**, Wes stated that he was listed as Matt in several places. Motion to correct all the Matts to Wes. Motion to approve as amended by Wes second by Mayor all yeas.

John C asked Kim to explain their two proposals. There was much discussion from all. It was decided that Kim and her husband and planning review the rental rules and regulations. Next month we'll work on this together.

**Village Administrators Report:** 4934 Canada turned in application for variance and the sub shop got their permit.

**Review ordinances 2020-30 and 31. Planning recommends no changes.** Mayor stated to Tammy and Scott that Council will need to table this as its 3<sup>rd</sup> reading as we didn't have time to advertise for the public hearing on these. Council needs to schedule the public hearing for before October's Council meeting.

**Street post signs** that Landmark asked about. Mayor and John T spoke with Chad Root as ODOT. The signs should be breakaway. John T. will speak with Toomas about getting pricing on those types of signs.

**Review on 450.07 back lighted signs:** proposed changes: In c.1.b, strike "whether. ...illumination," Add: 450.07 c 3 "Signs shall not be internally illuminated."

### Review Chapter 480

Made another change to 480.12(b)(2): Grass and weeds *on parcels fronting on village streets or state highways* shall be maintained...

480.100 will be stricken entirely, removing "Property Maintenance Advisory Board".

Michele will draft authorizing legislation for these amendments. We will review next month and then move to send to Council.

Matts Rd Bridge-Businesses –We still have a chance at the Ohio Bridge Partnership Program.

### Zoning/Maintenance issues

1. 4587 W. Franklin, Kirt/ Tabatha Teter residential construction w/o permits letter from P.C. (Portage County) Bldg. Department. Letter sent per John Trew. Mayor to contact Randy Roberts.
2. 10730 First St., Christopher Mathew's construction w/o permits letter from P.C. Bldg. Depart. Letter sent per John Trew Mayor to contact R. Roberts
3. 4474 W. Prospect, Scot Angle lawn and house. This resident was off this list and then put back on again.
4. 4741 E. Prospect, Lucas Randall 8188 Cooley Rd., Ravenna, Ohio 44266

Motion to adjourn by at 8:02 Scott, second by Wes. All voted yes.

**Village of Mantua, Ohio**  
**ORDINANCE 2020-xx**

**AN ORDINANCE AMENDING SECTION 450.07 OF THE ZONING ORDINANCES OF THE VILLAGE OF MANTUA RELATING TO ILLUMINATION OF SIGNS.**

**WHEREAS**, the Planning Commission has recommended that the provisions of the Zoning Ordinances of the Village of Mantua be amended to prohibit the internal illumination of signs; and

**WHEREAS**, this Council wishes to amend section 450.07 of the Zoning Ordinances of the Village of Mantua in order to address this recommendation.

**NOW THEREFORE, BE IT ORDAINED** by the Council of the Village of Mantua, a majority or more of the members elected thereto concurring, that:

**SECTION 1.** Existing Section 450.07.C.1.b of the Zoning Ordinances of the Village of Mantua is hereby amended as follows:

The lighting of any sign, ~~whether resulting from external or internal illumination,~~ shall not be of such brightness so as to cause glare that is hazardous or a nuisance to pedestrian or vehicular traffic.

**SECTION 2.** Section 450.07.C.3 of the Zoning Ordinances of the Village of Mantua is hereby enacted as follows:

Signs shall not be internally illuminated.

**SECTION 3.** Internally illuminated signs existing as of the effective date of this Ordinance shall be governed by section 450.16 of the Zoning Ordinances of the Village of Mantua.

**SECTION 4.** All other provisions of the Zoning Ordinances of the Village of Mantua shall remain in full force and effect.

**SECTION 5.** It is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were adopted in an open meeting of the Council, and that all deliberations of this Council and any of its committees that resulted in such formal actions were in meetings open to the public, in compliance with Section 121.22 of the Ohio Revised Code.

**SECTION 6.** This Ordinance shall become effective after public hearing and approval by this Council and at the earliest period allowed by law.

**PASSED IN** Council this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

ATTEST

**Village of Mantua, Ohio**  
**ORDINANCE 2020-xx**

\_\_\_\_\_  
Linda Clark, Mayor

\_\_\_\_\_  
Jenny August, Clerk-Treasurer

1st Reading: \_\_\_\_\_

2nd Reading: \_\_\_\_\_

3rd Reading: \_\_\_\_\_

Public Hearing: \_\_\_\_\_

Effective: \_\_\_\_\_

I hereby certify the above Ordinance was posted at the five (5) public notice locations in the Village of Mantua, Ohio, on the \_\_\_\_\_ day of \_\_\_\_\_, 2020.

\_\_\_\_\_  
Jenny August, Clerk-Treasurer

Approved as to Legal Form:

\_\_\_\_\_  
Michele Stuck, Solicitor

**Village of Mantua, Ohio**  
**ORDINANCE 2020-xx**

**AN ORDINANCE AMENDING VARIOUS SECTIONS OF CHAPTER 480 OF THE ZONING ORDINANCES OF THE VILLAGE OF MANTUA RELATING TO EXTERIOR PROPERTY MAINTENANCE.**

**WHEREAS**, the Planning Commission has conducted a review of the Exterior Property Maintenance Code of the Village of Mantua, and has recommended that various provisions of this Chapter of the Zoning Ordinances of the Village of Mantua be amended; and

**WHEREAS**, this Council wishes to amend Chapter 480 of the Zoning Ordinances of the Village of Mantua in order to address this recommendation.

**NOW THEREFORE, BE IT ORDAINED** by the Council of the Village of Mantua, a majority or more of the members elected thereto concurring, that:

**SECTION 1.** Existing Section 480.12(b)(2) of the Zoning Ordinances of the Village of Mantua is hereby amended as follows:

Grass and weeds on ~~improved parcels~~ *parcels fronting on village streets or state highways* shall be maintained, controlled and cut on a regular basis. Grass or weeds in excess of 9 inches in height constitute a public nuisance and health risk.

**SECTION 2.** Existing Section 480.12(e) of the Zoning Ordinances of the Village of Mantua is hereby amended as follows:

Ground-Surface Hazards: Holes, cracks, excavations, breaks, projection and obstructions ~~at any place on the premises~~ *in the public right-of-way* which are a hazard to persons using the premises shall not be permitted.

**SECTION 3.** Existing Section 480.100, entitled “Property Maintenance Advisory Board”, is hereby repealed.

**SECTION 4.** All other provisions of the Zoning Ordinances of the Village of Mantua shall remain in full force and effect.

**SECTION 5.** It is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were adopted in an open meeting of the Council, and that all deliberations of this Council and any of its committees that resulted in such formal actions were in meetings open to the public, in compliance with Section 121.22 of the Ohio Revised Code.

**SECTION 6.** This Ordinance shall become effective after public hearing and approval by this Council and at the earliest period allowed by law.

**PASSED IN** Council this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

**Village of Mantua, Ohio**  
**ORDINANCE 2020-xx**

ATTEST

\_\_\_\_\_  
Linda Clark, Mayor

\_\_\_\_\_  
Jenny August, Clerk-Treasurer

1st Reading: \_\_\_\_\_

2nd Reading: \_\_\_\_\_

3rd Reading: \_\_\_\_\_

Public Hearing: \_\_\_\_\_

Effective: \_\_\_\_\_

I hereby certify the above Ordinance was posted at the five (5) public notice locations in the Village of Mantua, Ohio, on the \_\_\_\_\_ day of \_\_\_\_\_, 2020.

\_\_\_\_\_  
Jenny August, Clerk-Treasurer

Approved as to Legal Form:

\_\_\_\_\_  
Michele Stuck, Solicitor



Michele Stuck <villagesolicitor@gmail.com>

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## Landmarks Committee Meeting

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Michele Stuck <villagesolicitor@gmail.com>

Mon, Sep 14, 2020 at 11:01 AM

To: Toomas Tubalkain <toomast1910@gmail.com>

Cc: Ellie Stamm <elliestamm@yahoo.com>, Clark Magdych <cmagdych@hotmail.com>, Nicholas Ehlert <nicknlinda@att.net>, Emily Hammonds <volvoqn88@yahoo.com>

Landmarks Committee members,

I want to let you know that the quorum issue that arose at the start of Saturday's meeting started me thinking on the general treatment of committee vacancies in calculation of quorum. I did some research, and found that, while there is no one definitive answer (that would be too easy), there are generally two schools of thought - one being the stricter approach that I tend to take: that the quorum requires a majority of the total number of seats on the committee; the second being that a quorum only requires a majority of the current members on the committee (vacancies would not be counted).

While I prefer the more conservative approach for the reason that requiring a quorum of a majority of the total seats on the committee would preclude challenges to the validity of an action of the committee (such a challenge being made under the theory that an insufficient number of votes authorized the action), I can certainly appreciate the appeal of calculating the quorum based only on the actual members on the committee at the time - It makes it much easier to "get things done".

The Village Ordinances which govern the Landmarks Commission (Chapter 159) state the following as to quorum: "A quorum shall be a simple majority of the Commission voting members." (Cod. Ord. sec. 159.05). This favors the interpretation that a majority of the five currently appointed members would be sufficient, since if there's no member in an available space, there's no voting member.

However, in 2013, the number of members of the commission was increased by Council from five to seven, for a wider "variety of knowledge". Ord. 2013-06. <http://mantuavillage.com/councilmins/021913.pdf> This suggests a legislative intent to have actions of the Commission be based on the largest number of members possible.

All of this is a long way of saying that some clarification is in order. I would like to bring this up at the next Planning Commission meeting, explain Saturday's situation, and see if they want to make any recommendations to Council for language amendments to eliminate any confusion. I would also be happy for any individual members to forward a memo with their thoughts on the issue. One way or another, we should be able to have the matter settled in time for your next meeting in November.

Thanks for your time,

Michele Stuck, Solicitor

[Quoted text hidden]