

THE REGULAR MONTHLY MEETING OF THE TRUMBULL COUNTY PLANNING COMMISSION WAS OFFICIALLY CALLED TO ORDER BY THE CHAIRMAN, LEWIS KOSTOFF, ON MARCH 11, 2014, AT 9:00 A.M. IN THE TRUMBULL COUNTY PLANNING CONFERENCE ROOM.

---

Roll Call was taken as follows:

Mr. Brown	Absent
Mr. Fuda	Absent
Mr. Heltzel	Absent
Mr. Henn	Absent
Mr. Kostoff	Present
Mr. Mahan	Present
Mr. Musick	Present
Mr. Polivka	Absent
Mr. Shader	Present
Mr. Sliwinski	Present
Mr. Wright	Present

Trumbull County Planning Commission Staff:

Trish Nuskievicz, Director  
Jon Baughman  
David Dubiaga  
Julie Edwards

Anthony Kobak  
Mitzi Sabella  
Mark Zigmont

Also in attendance: Atty. William Danso, Trumbull County Prosecutor's Office

---

- I. APPROVAL OF AGENDA
- II. APPROVAL OF PLANNING COMMISSION MINUTES
- III. APPROVAL OF EXPENSES
- IV. COMMUNICATIONS
- V. DIRECTOR'S REPORT
- VI. REPORTS OF COMMITTEES
- VII. RESOLUTIONS FOR ADOPTION
- VIII. OTHER BUSINESS
- IX. ADJOURNMENT

**I. APPROVAL OF AGENDA**

Mr. Shader made a motion to approve the agenda dated March 11, 2014; seconded by Mr. Musick. The motion carried.

**II. APPROVAL OF PLANNING COMMISSION MINUTES**

Mr. Mahan made a motion to approve the Planning Commission minutes of the February 11, 2014, Board meeting. The motion was seconded by Mr. Musick and carried.

**III. FINANCIAL REPORT**

Mr. Mahan made a motion to approve the financial report dated as of February 28, 2014; seconded by Mr. Shader. The motion carried.

**IV. COMMUNICATIONS**

No communications were reviewed at the meeting.

**V. DIRECTOR'S REPORT**

Trish Nuskievicz reviewed the Director's Report calling attention to the following:

**A. Planning and GIS Mapping**

Ms. Nuskievicz stated that the Northeast Ohio Sustainable Communities Consortium (NEOSCC) has prepared the *Vibrant NEO 2040* Vision, Framework and Action Products with the intention of promoting community stability, economic prosperity and a high quality of life for the residents of Northeast Ohio by inspiring and informing local decision making. Trish Nuskievicz stated that the Planning Commission made a recommendation to the Commissioners to pass a resolution of support for the *Vibrant NEO 2040* Vision, Framework and Action Projects.

Ms. Nuskievicz also stated that the staff is assisting the City of Niles Health Department on a project by providing some GIS maps that are being required by the Centers for Disease Control. She said that the sites being mapped include the Packard Music Hall in Warren, the Mayor Ralph A. Infante Wellness Center in Niles, the West Farmington Community Center and the Newton Falls Community Center.

**V. DIRECTOR'S REPORT – Continued**

**B. Hartford Township Comprehensive Plan**

Trish Nuskievicz reported that the staff has made edits to the draft of the Hartford Township Comprehensive Plan and met with trustees and zoning officials on February 19, 2014. Ms. Nuskievicz stated that the township will advertise and set the final public hearing for the plan in April, 2014. She said that once all comments are considered and any necessary changes are made, the trustees will adopt the plan in May or June, 2014.

**C. Newton Falls Village Comprehensive Plan**

Trish Nuskievicz reported that the staff has contacted the Eastgate Regional Council of Governments and the Trumbull County Engineer's office to receive information required for the transportation element of the comprehensive plan. Ms. Nuskievicz stated that a meeting was held on March 4, 2014, with Newton Falls Council and planning and zoning officials, and they reviewed the public meeting results, demographics and housing elements, the plan timeline and other aspects of the plan.

**D. CDBG CHIP Program**

Julie Edwards reported that Trumbull County was awarded a FY2013 Community Housing Improvement (CHIP) grant. She stated that the \$250,000 grant will be used for approximately three full house rehabilitations, three septic replacements and seven home repairs and the target area for this grant is Census Tract 9301.01 in Kinsman. Ms. Edwards said that the staff took applications for the program from January 2, to January 31, 2014, and will begin inspections on several home repair applicants.

**E. Enterprise Zone**

Mark Zigmont reported that the annual Enterprise Zone Report materials were sent to all 16 active Enterprise Zone recipients. He stated that the completed reports from the companies were due on March 10, 2014, with the final reports due to the state by March 31, 2014.

Mr. Mahan made a motion to accept the Director's Report of March 11, 2014; seconded by Mr. Musick. The motion carried.

**VI. REPORTS OF COMMITTEES**

A. Plats and Zoning Committee - Lewis Kostoff, Chairman

Copies of the Plats and Zoning Committee Report of March 4, 2014, were included in the Board Members' books for review. Mr. Shader made a motion to accept the March 4, 2014, Plats and Zoning Committee Report; seconded by Mr. Mahan. The motion carried.

B. Housing Review Committee – John Sliwinski, Chairman

Copies of the Housing Review Committee Report of March 4, 2014, were included in the Board Members' books for review. Mr. Mahan made a motion to accept the March 4, 2014, Housing Review Committee Report; seconded by Mr. Musick. The motion carried.

**VII. RESOLUTIONS FOR ADOPTION**

A. Plats and Zoning Committee Resolutions

Mr. Mahan made a motion to adopt Resolution Nos. 3-2014-12, 3-2014-13, 3-2014-14, 3-2014-15, 3-2014-16 and 3-2014-17; seconded by Mr. Wright. The motion carried.

B. Housing Review Committee Resolution

Mr. Mahan made a motion to adopt Resolution No. 3-2014-18; seconded by Mr. Musick. The motion carried.

C. Vibrant NEO 20140 Vision, Framework, and Action Products Resolution of Support

Mr. Shader made a motion to adopt Resolution No. 3-2014-19; seconded by Mr. Musick. The motion carried.

**VIII. OTHER BUSINESS**

A. Letter from Atty. Daniel G. Keating – dated February 20, 2014

Atty. Danso of the Trumbull County Prosecutor's office was in attendance to discuss a letter that was received by Trish Nuskievicz from Atty. Daniel G. Keating regarding Planning Commission case no. Z-2014-1 – Agricultural to

**VIII. OTHER BUSINESS – continued:**

- A. Letter from Atty. Daniel G. Keating – dated February 20, 2014, continued:

Industrial zone change in Weathersfield Township in which the Planning Commission made a motion to recommend denial of the proposed zone change at its February 11, 2014, regular meeting.

Ms. Nuskievicz stated that the recommendation of denial of the proposed zone change was made by the Planning Commission because of the physical characteristics and environmental factors with the existence of wetlands and flood plains in the area and because the zone change does not meet the Weathersfield Township Future Lane Use Plan.

Atty. Danso said that Atty. Keating represents Elvira Massacci, the property owner that requested the zone change from Weathersfield Township. Atty. Danso pointed out that in his letter, Atty. Keating states that his client was never given any notice or opportunity to be heard by the Trumbull County Planning Commission regarding her real estate and learned of the action of the Planning Commission for the first time when she attended the meeting of the Weathersfield Township Zoning Board on February 12, 2014. Atty. Danso stated that Atty. Keating writes that the action of the Planning Commission is a denial of Mrs. Massacci's due-process rights. Atty. Danso has spoken to Atty. Keating and said that he is not looking for a lawsuit but for some Planning Commission policy discussion.

The board and staff explained to Atty. Danso that with any zoning request, a township asks the Planning Commission to review and make a recommendation on the proposed zone change, and it is the township's responsibility to inform the property owner of the Planning Commission meeting. Atty. Danso said that he is not done with his legal research at this time, but he feels that the Planning Commission is not making binding decisions on zone changes, just recommendations, and it is up to the township to follow up with a public meeting. Atty. Danso will get back to the Planning Commission with a formal legal opinion on this matter.

Mr. Musick then asked Atty. Danso if the Planning Commission board members are covered under the County's policy in case they are ever named in a lawsuit. Atty. Danso said that he will verify this with Trumbull County's insurance carrier, but he said that he has always been under the impression that county boards are covered by this policy.

VIII. OTHER BUSINESS – Continued:

B. Executive Session

At 9:55 a.m. Mr. Musick made a motion to go into Executive Session to discuss a personnel matter; seconded by Mr. Mahan. Roll call was taken as follows:

Mr. Kostoff, Yea  
Mr. Mahan, Yea  
Mr. Musick, Yea  
Mr. Shader, Yea  
Mr. Sliwinski, Yea  
Mr. Wright, Yea

The motion carried.

Trish Nuskievicz, David Dubiaga and Atty. William Danso were invited to stay.

The board came out of Executive Session at 10:15 a.m. and returned to the regular order of business.

IX. ADJOURNMENT

There being no further business, Mr. Musick made a motion to adjourn; seconded by Mr. Mahan. The motion carried. The meeting was adjourned at 10:18 a.m.

Signed Sean Kostoff

Date April 8, 2014