NEW RUSSIA TOWNSHIP
ZONING COMMISSION

RULES OF PROCEDURE

ADOPTED: June 9, 2026

Active Commission Members at Adoption Date

James Griner – Chair
Dawn Essex – Vice Chair
Kimberly Guelker – Secretary
Jina Jordan – Member
Geoffrey Kudlo – Member
Richard Polen – Alternate
– Alternate

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The following rules of procedures ("these rules") are adopted in accordance with Section 23 of the New Russia Township Zoning Resolution to ensure compliance with said document as well as the Ohio Revised Code (ORC). The responsibilities and authority of the Zoning Commission, including alternates, (hereinafter the "Commission" or "ZC") shall be as set forth in ORC 519.04 and Section 23 of the New Russia Township Zoning Resolution. Should any provisions herein conflict with any applicable law (including the Zoning Resolution), said law shall supplement and/or prevail. Any conflicts within this document which is/are not (or cannot be) remedied or clarified by law shall be resolved by the Chairperson of the Zoning Commission unless otherwise lawfully delegated or assigned. If for any reason any one or more provisions herein are declared to be unconstitutional or invalid by a court of competent jurisdiction, such judgment shall not affect, impair, or invalidate the remaining provisions but shall be confined in its operation to the specific portion held invalid. The invalidity of any portion of these rules in one or more instances shall not affect or prejudice the validity of these rules in any other instance.

THE COMMISSION

Purpose

The Commission, as stated in Section 23 of the New Russia Township Zoning Resolution, has the following specific responsibilities:

(a) Initiate proposed amendments to the Zoning Resolution and zoning map.
(b) Consider, review, and recommend all proposed amendments to the Board of Township Trustees.
(c) Consider, review, and approve or deny all Site Plan reviews.

Powers, Authority, and Duties of the Commission

The Commission shall have the powers and authority conferred, and the duties prescribed, by law, in addition to those specified or provided in Section 23 of the New Russia Township Zoning Resolution and these Rules, unless otherwise conflicting with applicable law (as may be amended), in which case, applicable law, including the Zoning Resolution, shall prevail.

Commission members shall furnish the Zoning Commission Secretary with a telephone number, address, and e-mail address, at which the notice of meetings and all other Commission business may be communicated, served on, or mailed to such members.

Per Ohio law, the Commission, and/or any individual member thereof (including the Chairperson), has no authority whatsoever over the New Russia Township staff, including the Zoning Inspector, or the lawful administrative actions, interpretations, or decisions they are authorized to make within the bounds of their purview. Similarly, the Commission, and/or any individual member thereof (including the Chairperson) has no authority over any other New Russia Township board, commission, or committee. Commission members and staff are both expected to maintain a courteous, professional, and respectful relationship with one another. Members may make requests of staff; however, the Commission understands that staff is not obligated to fulfill such a request unless otherwise directed by the Board of Trustees or obligated

by law. The Chair may modify or overrule any requests made of staff by a Commission member when such a request pertains to Commission business subject to being overruled by a majority vote of the Commission during a public meeting.

Composition of the Commission

The Zoning Commission was established by the New Russia Township Board of Trustees under the authority of Ohio Revised Code 519.04.A, which reads:

> *The board of township trustees of any township proceeding under sections 519.01 to 519.99 of the Revised Code, shall create and establish a township zoning commission. The commission shall be composed of five members who reside in the unincorporated area of the township, to be appointed by the board. The board of township trustees may appoint two alternate members to the township zoning commission, for terms to be determined by the board of township trustees. An alternate member shall take the place of an absent regular member at any meeting of the township zoning commission, according to procedures prescribed by resolution by the board of township trustees. An alternate member shall meet the same appointment criteria as a regular member. When attending a meeting on behalf of an absent member, the alternate member may vote on any matter on which the absent member is authorized to vote. The terms of the regular members shall be of such length and so arranged that the term of one member will expire each year. Where there is a county or regional planning commission the board may appoint qualified members of such commission to serve on the township zoning commission. Each regular or alternate member shall serve until the member's successor is appointed and qualified.*

Expectations of the Commission

Commission members, including alternates, are considered public officials and are therefore subject to Ohio's public meeting and open records laws (aka Sunshine laws) as well as Ohio's ethics laws. All members are required to understand and adhere to said laws, applicable township policies, and the guidelines and expectations the Board of Trustees have set forth in the *New Russia Township Employee Handbook*, as may be amended. Questions regarding these matters should be directed to the Chair or township staff.

Commission members are expected to attend all meetings with the understanding that unavoidable conflicts do occasionally arise. Members must be physically present at a meeting to partake in proceedings unless phone or virtual attendance is otherwise authorized by the Chair of the Commission and permitted by law. Members who are absent shall not use staff or any other intermediary to convey their thoughts except in limited situations pertaining to administrative matters such as meeting schedules, attendance intentions, or the willingness to serve as an elected officer of the Commission. In such instances, the only recognized intermediary shall be another Commission member, township staff, or counsel serving the Commission.

In addition, Commission members are expected to fully understand any request that comes before them. This may include reviewing plans, documents, staff reports, and other such material. Members may visit property that is the subject of an application; however, Commission members should not enter private property which is not open or accessible to the general public without first obtaining permission from the property owner. Members are also generally discouraged from having any contact with any applicant outside of the formal meeting setting or

on a one-on-one basis without staff present.

Commission members may seek information from staff prior to an application hearing, but no member shall discuss the case with any other parties, including the public, prior to the public hearing nor shall they express any bias, prejudice, or individual opinion in the case prior to the hearing. Commission members are discouraged from discussing a pending application with another Commission member outside of a properly noticed public meeting setting and are prohibited by Ohio law from discussing a pending application with two or more fellow Commission members outside of a properly noticed open, public meeting setting.

Unless otherwise invited and authorized to speak on behalf of the Zoning Commission as a whole, Commission members are strongly discouraged from attending meetings of the New Russia Township Board of Trustees pertaining to zoning matters that have already, or may in the future, come before the Zoning Commission. Members should not opine on, or give unsolicited testimony regarding, any zoning application being reviewed and considered by the Board of Trustees. Zoning Commission members should be cautious about attending meetings of the New Russia Township Board of Zoning Appeals so as not to create a conflict of interest, real or perceived. Any member who does so and provides testimony shall be considered to be speaking for themselves, not the Zoning Commission as a whole, and thus potentially rendering themselves responsible for any ramifications of such commentary.

To protect the best interest of the township, provide for proper oversight, and control the expenditure of township funds, all requests for legal or professional advice or services from authorized parties regarding Commission business shall be run through and sought by township staff. An exception to this provision being that an individual member is permitted to seek advice pertaining directly to their role as a Zoning Commission member, ex: conflict of interest, public records, or ethics determinations from the Lorain County Prosecutor's Office. Members who seek advice or services in a manner not in accordance with these rules may be liable for the costs they incur.

Commission members shall not give any legal advice to any entity. Similarly, members are strongly encouraged to avoid giving strategic directives to any applicant, applicant representative, property owner, organization, member of the public at large, or the like, especially in regard to advice that may impact the success of an application. Such provisions shall not preclude members from discussing with applicants how to address legitimate concerns of the Commission or the answering of general (non-legal) questions, including those pertaining to zoning compliance, procedures, or administration.

Alternates shall not engage in the discussion of, or voting on, any pending application in which they are not sitting as a recognized voting member at Public Hearings or Site Plan Reviews. Doing so could potentially invalidate the hearing and/or vote under Ohio law. Alternates may participate in the discussion of general matters not requiring a vote, the election of officers, or the discussion of action items initiated by the township itself; however, they shall only cast a vote regarding such matters when sitting as a recognized voting member. When not sitting as a voting member, alternates are encouraged to sit in the audience or in a designated area separate from the voting members to the greatest extent possible so as to not cause confusion or deception. Alternates are not eligible to serve as an officer and can only be elevated to full-time, regular

member status by the Board of Trustees.

Conflict of Interest

All members of the Commission, including alternates, shall avoid potential conflicts of interest. There are several legal statutes that limit a member's participation in certain matters. Members shall also be aware of such statutes and that criminal penalties may result if they are violated. Members are individually responsible for complying with ethics laws and are strongly encouraged to contact the Lorain County Prosecuting Attorney's Office and/or the Ohio Ethics Commission for assistance or clarification if they suspect that they might have a conflict of interest in an upcoming case or should they have any concerns. Assistance with making such contact may be provided by New Russia Township staff, however, staff is not responsible for informing a member of any potential conflicts of interest nor for ensuring a member is not in violation of any ethics laws. Members with a conflict of interest shall recuse themselves from proceedings as soon as they become aware that a conflict exists.

No member of the Commission shall represent, at a meeting, any matter upon which the Commission is to decide. Any Commission member serving in such a role shall publicly recuse themselves from all discussions and proceedings related to said matter and shall also follow proper recusal protocol as further detailed herein. Similarly, no member shall participate in any case in which he or she has a financial interest in the property or action or will be directly affected by the decision. Members shall disqualify themselves from voting whenever any applicant or their agent has sought to influence the vote of the member on the application other than in a public hearing.

Whenever there are conflicts of interest by a Commission member regarding an application, that member shall not sit as a member or voting member of the Commission and shall recuse themselves publicly as soon as possible. A member who recuses themselves does not participate in any discussion or vote whatsoever. In the event of a recusal, Commission members are discouraged from sitting in the audience and commenting on the application, as it may create the appearance of bias in favor of the member's position, real or perceived. The best course of action is to leave the room or building entirely. The interests of a recused member whose property is impacted by an application may represent themselves but are encouraged to be represented by a spouse or other person who has a legitimate interest in said property.

Resignations

Any member may resign their position at any time by giving written notice to the New Russia Township Board of Trustees. Any such resignation shall take effect at the time specified in the written notice. The acceptance of such resignation by the Trustees shall not be necessary to make it effective.

Removal

Removal of a member of the Commission for nonperformance of duty, misconduct in office, and/or other cause will be conducted by the New Russia Township Trustees in accordance with Ohio Revised Code 519.04.B & C. Vacancies are filled by the Township Trustees and are typically

for the unexpired term. The Zoning Commission has no authority or ability under Ohio law to censure, suspend, or remove members nor shall they have the authority to force any member to recuse themselves.

Election of Officers

Each year, the Commission shall re-organize and elect a Chairperson, Vice-Chairperson, and Secretary from among its members, excluding alternates. The election shall generally be held during the Commission's regular meeting in the month of January or, if said meeting does not occur, as soon as practical. For each election, unless otherwise agreed to by the Commission, nominations shall be taken from the current members of the Commission, with the person receiving the greatest number of votes being deemed so elected. A member need not be present to be elected as an officer, however, it is a best practice that the willingness of said member to serve in the desired position is confirmed prior to the vote being taken. Each elected officer shall hold their position until January 31st of the succeeding calendar year following their election or until the Commission re-organizes, whichever comes first, unless said member resigns, is removed, or ceases to be a member of the Commission. A special election shall be held for any position that becomes vacant unless the Commission opts to defer it until annual re-organization. The successor will hold said office until the next regular election of officers. If an officer position becomes vacant and no formal action is taken by the Commission to fill it, the order of succession shall be assumed to be the highest-ranking elected officer followed by the most senior regular (i.e., non-alternate) member. Should more than one individual qualify and/or should the most senior status be unknown, the remaining voting members of the Commission may select individuals for each role via a motion or by general consensus. Any alternate member of the Commission filling in as a recognized voting member may partake in the vote.

The Chairperson

The Chairperson of the Commission (the Chair) presides and maintains order at all meetings of the Commission, so they proceed in a fair, courteous, and efficient manner. Said individual shall exercise general supervision over the Commission's affairs, its order of business, scheduling of meetings, and the conduct of its members subject to applicable law, including the rules herein. They shall also work with staff to ensure the business of the Commission is properly administered. The Chairperson may administer oaths and, upon authorization of the Commission, may compel the attendance of witnesses if provided for by law.

The Vice-Chairperson

During the absence or recusal of the Chairperson of the Commission or while there is no incumbent of the position of the Chairperson of the Commission, the Vice-Chairperson (the Vice-Chair) shall have the duties and authority specified for the office of Chairperson and shall perform such other duties as may be assigned by the Commission or by the Chairperson.

The Board Secretary

The Board Secretary is a nominated role within the Zoning Commission. The Board Secretary is responsible for official meeting documents. The secretary may write or record the regular

meeting minutes however the chosen media must stay on the premises as it is considered public information. The meeting minutes will be read for approval at the following meeting.

The secretary will send a notice of public hearings to the local newspaper to run ten (10) days prior to the public hearing. For these meetings, a court reporter is hired, and the transcription will be included with the secretary's minutes. In the event of amendments to the zoning board manual and/or map, the secretary will submit a letter of transmittal and appropriate documents to the Township Trustees. If the secretary is absent, the Vice-Chairperson shall take over the secretarial duties. The Secretary maintains good communication with the Board and Township staff.

MEETINGS

Meeting Location

All regular and special meetings of the New Russia Township Zoning Commission shall typically be held at the New Russia Township Hall, 46300 Butternut Ridge Road, Oberlin, Ohio 44074, commencing at 7:00 p.m. or at such other time and place, as may from time to time be fixed by the Commission, or as shall be specified or fixed in the notice of the meeting. The Commission is not obligated or required to suspend or re-locate a meeting in order to allow more individuals to attend, however, they may do so, if deemed necessary, so long as such action does not violate the due process rights of any party. Alternative meeting locations shall be handicapped accessible.

Regular Meetings

Unless otherwise scheduled, postponed, or canceled, regular meetings of the Commission shall be held on the second Tuesday of every month. The Commission reserves the right to adopt a pre-determined meeting schedule for the upcoming year which may also include deadlines for submissions/requests and/or additional information pertaining to the administration of Commission business, thereby supplementing this document. Such a schedule may be modified by the Zoning Commission, as needed. Adoption and modification of said schedule does not necessarily require a formal vote of the Commission.

Regular meetings may be postponed or canceled in advance at the direction of the Chairperson, Vice-Chairperson (if serving as the acting Chairperson), Secretary (if serving as the acting Chairperson) or, in the absence of the Chair, Vice-Chair, or Secretary any two Commission members for reasons deeded appropriate such as, but not limited to, an anticipated or actual lack of a quorum, lack of business, inclement weather, technical difficulties, staff unavailability, and/or any other such reasonable scenario which may negatively impact the ability of the Commission, staff, and/or public to conduct and/or attend a meeting.

Special Meetings

Special meetings of the Commission shall be held when called by the Chairperson or, if the Chairperson is unavailable, the Vice-Chairperson or, if the Chairperson or Vice-Chairperson is unavailable, the Secretary, or if the Chairperson nor Vice- Chairperson nor Secretary is available,

two of the other full members of the Commission, if deemed necessary.

Notice of each such meeting shall be given by New Russia Township Zoning Commission Secretary to each member verbally, by phone, personal delivery, mail, or e-mail, or text message communication at least twenty-four (24) hours prior to the date of the meeting. Meeting dates and information will also be posted by staff on the Township website; www.newrussiatownship-oh.gov and may be communicated to the public via any additional means available to staff.

The notice to Commission members for a special meeting shall specify the date, time, location, and purpose(s) of the meeting. Unless otherwise specified in the notice, special meetings shall be held at the same location as regular meetings.

Public Notice of Meetings

The Commission hereby establishes the following methods whereby any person may determine the date, time, and place of regular meetings of the Commission, and the date, time, place, and purpose(s) of special and emergency meetings of the Commission in accordance with ORC 121.22:

(a) **Regular Meetings** – New Russia Township Zoning Commission shall give notice of the Commission's regular meeting schedule by posting a copy on the township's website and may post such information on the township's social media platforms. If the date, time, or location of a regular meeting is changed or canceled, notice of the change or cancellation shall be posted on the New Russia Township website at least twenty-four (24) hours prior to the meeting or, in the case of cancellation, as soon as possible.

(b) **Special and Emergency Meetings** – New Russia Township Zoning Commission shall give notice of the date, time, location, and purpose(s) of a special meeting (other than an emergency meeting if permitted by law) by posting a notice in the same location as provided for posting notice of the Commission's regular meeting. The notice shall be posted at least twenty-four (24) hours prior to the meeting. In the case of a permitted emergency meeting, New Russia Township Zoning Commission shall, if sufficient time allows, give notice of an emergency meeting, in accordance with applicable law, in the same manner as provided for non-emergency special meetings. Otherwise, notice of an emergency meeting is not required, except as provided below.

(c) **Notice to News Media of Special and Emergency Meetings** – News media who have requested notice of special meetings shall be notified by the New Russia Township Zoning Commission Secretary of the date, time, location, and purpose(s) of any such meeting at least twenty-four (24) hours in advance of the meeting. If the meeting is a permitted emergency meeting, the Commission member(s) calling the meeting shall immediately notify the media who have requested such notification. News media wishing to receive such advance notification should provide New Russia Township staff, in writing, a mailing address (postal or electronic) or telephone number.

(d) **Notice of Meetings to Discuss Business** – New Russia Township Zoning Commission shall give reasonable advance notice of any regular or special meetings at which a particular

type of public business is to be discussed to any person who has requested such notice. Persons wishing to receive such advance notification shall make such request in writing to the Commission at 46300 Butternut Ridge Road, Oberlin, Ohio 44074, and shall list the requestor's name, mailing address, telephone number, e-mail address (if available), and the specific type of public business in which the requestor has a particular interest, and desires notice. In addition, the requestor shall furnish New Russia Township Zoning Commission Secretary with a sufficient number of stamped, self-addressed envelopes for mailing such notice. If time permits, the requestor will be notified of such meetings by mail. Otherwise, notice shall be by telephone, e-mail, or text message. Any such request shall remain in force for twelve (12) months unless renewed in accordance with the aforementioned procedures.

(e) **Special Notice Required by Law** – When a particular form or method of notice is required by statute for a public hearing or meeting of the Commission, notice of the hearing or meeting shall be given in the form or manner prescribed by statute, in addition to notice otherwise required under this section.

Quorum

A minimum of three (3) members and/or alternates of the Commission shall constitute a quorum. A quorum shall be mandatory to hold an official meeting of the Commission. Any alternate who sits as a recognized voting member for any application should remain seated as a recognized voting member throughout the entire course of the subject Public Hearing or Site Plan Review even if said Public Hearing or Site Plan Review occurs over a course of multiple meetings or the full member they are sitting in for returns.

Organization of Meetings

At each meeting of the Commission, the Chairperson, or in the absence of the Chairperson, the Vice-Chairperson, or in the absence of both the Chairperson and Vice-Chairperson, the Secretary shall act as Chairperson and shall have all the powers, duties, and responsibilities of the Chairperson during said absence.

Should both the Chairperson and Vice-Chairperson not be present at a meeting, recuse themselves, and/or leave a meeting for whatever reason, the Secretary shall assume the role of Chairperson and the most senior (non-officer) member of the Commission shall assume the role of Vice-Chairperson. Should more than one individual qualify and/or should the most senior status be unknown, the remaining members of the Commission may select individuals for each role via a motion or by general consensus. Any alternate member of the Commission filling in as a recognized voting member may partake in the vote.

Should the Secretary not be present at a meeting, recuse themselves, and/or leave a meeting for whatever reason, the Chairperson shall designate a member of the Commission to assume the role of Secretary.

Should any other unforeseen circumstance involving the Chair, Vice-Chair, or Secretary position arise, decisions regarding such matter shall be reached by a general consensus of the voting

members of the Commission. Should a general consensus not be reached, the final decision shall be made via a majority concurrent roll call vote.

Order of Business

The order of business at meetings of the Commission shall be determined by the Chairperson. However, the Chairperson may be overruled with respect thereto by a majority of the members of the Commission present. Meetings shall generally be conducted in the following order unless otherwise revised pursuant to the provisions herein.

1. Call to order (by the Chair or Acting Chair)
2. Roll call (i.e., attendance), including selecting and recognizing any alternates sitting as voting members
3. Establish additional ground rules, if necessary
4. Minutes (review and adoption)
5. Site Plan Review(s)
6. Initiations (of any zoning amendments)
7. Other business
8. Public comment (any zoning-relevant matter on or off the agenda, not required)
9. Election of officers (when needed)
10. Announcements
11. Adjournment (by motion)

Site Plan Reviews should generally proceed in the following order unless otherwise revised pursuant to the provisions herein:

1. Call the review to order
2. Read the Statement of Policy and establish additional ground rules, if necessary
3. Swearing-in of those wishing to give testimony
4. Listing of exhibits list for the record
5. Staff report
6. Report from Zoning Commission Consultants
7. Applicant's presentation
8. Public comment (if required or offered, only pertaining to the subject hearing)
9. Applicant's response to public comment
10. Close public comment period
11. Commission discussion
12. Close Commission discussion
13. Preparation of motion(s)
14. Motions/vote
15. Announce the review is closed

Public Hearings should generally proceed in the following order unless otherwise revised pursuant to the provisions herein:

1. Call the hearing to order
2. Roll call (i.e., attendance), including selecting and recognizing any alternates sitting as

voting members
3. Read the legal notice
4. Read the Statement of Policy and establish additional ground rules, if necessary
5. Swearing-in of those wishing to give testimony
6. Declaration of notice and advertisement date(s)
7. Listing of exhibits list for the record
8. Staff report
9. Report from Zoning Commission Consultants
10. Applicant's presentation
11. Public comment (if required or offered, only pertaining to the subject hearing)
12. Applicant's response to public comment
13. Close public comment period
14. Commission discussion
15. Close Commission discussion
16. Preparation of motion(s)
17. Motions/vote
18. Motion to close Public Hearing

The Commission reserves the right to utilize sign-in sheets for those attending any meeting and may also require those wishing to participate in the meeting to sign said sheet and state their name and address for the record prior to speaking. Such sheets shall be considered a public record.

Consent Items

At the discretion of the Commission, consent items are those that the Commission will approve with little comment. Consent item voting shall be conducted using a voice vote of a majority of the members. Consent items may include the prior meeting minutes, election of an officer, or meeting adjournment.

Statement of Policy

The following Statement of Policy will be read at the beginning of each Public Hearing:

This meeting is being conducted pursuant to the Commission's established and publicly available rules of procedure. It may be recorded. Such a recording is a public record. All attendees, including Commission members and staff, are expected to behave in an orderly, non-disruptive manner. Applicants will be granted an opportunity to make their formal presentation. The audience may then be granted an opportunity to comment followed by the applicant's response and questions from the Commission. Public comments shall be: limited to designated time periods, directed to the Commission, of relevance to Commission business and the topic at hand, and limited to three minutes per person unless otherwise authorized. The Chair reserves the right to restrict the number of times a member of the public is permitted to speak to only once per authorized comment period and may enact any other reasonable ad hoc protocols necessary to maintain a fair, safe, or orderly meeting. These policies were adopted by the Commission to provide for the respectful, constructive, and efficient discussion of business and to allow for due process as required by law.

Applicant

Site Plan Review

The applicant for a Site Plan Review shall submit a completed final application, following the Site Plan Review Guidelines posted on the New Russia Township website, to the Zoning Inspector two (2) weeks prior to the next scheduled regular Zoning Commission meeting, in order to be added to the meeting agenda. All materials provided by the applicant to the New Russia Township Zoning Inspector shall be forwarded in a timely fashion to the Commission Chairperson for dissemination to the members of the Commission.

The applicant and/or an authorized representative should attend the hearing scheduled by the Commission for such an application. The failure of the applicant or the authorized representative to attend the hearing may result in the Commission proceeding to conduct the hearing in their absence. At the Commission's discretion, such hearing may be continued to a later date. If extraordinary circumstances beyond such person's control prevent the applicant from attending the scheduled hearing, the applicant may submit, in writing to New Russia Township Zoning Commission Chair, a request to continue the hearing to another regular Zoning Commission meeting. Such requests shall be accompanied by any required fee and shall be filed with the New Russia Township Zoning Inspector prior to the hearing and may constitute a waiver of the time period within which such a hearing would otherwise be required to be held. The Commission may, at its discretion, grant such request and reschedule the hearing for such time or times as determined by the Commission. Once a hearing has commenced, nothing herein shall prevent the Commission from conducting the hearing in/on multiple sessions/days until they deem it concluded.

The applicant or authorized representative may provide written, oral, and/or multimedia testimony in support of an application during a designated hearing. Such materials should be provided with the completed application. All people providing testimony or comment must be duly sworn in by the Chairperson or designated officer and provide their name and address for the public record. The Zoning Commission reserves the right to continue a hearing/application should the applicant submit supplemental or revised material during the hearing so that the Commission and staff may have the opportunity to thoroughly review said materials.

Amendment to the Zoning Resolution or Zoning Map

The application for an amendment to the zoning resolution or zoning map shall require a completed application, fee, legal description (if applicable), and other supporting documentation to the Zoning Inspector two (2) weeks prior to the next scheduled regular Zoning Commission meeting, during which the Public Hearing date will be set. All materials provided by the applicant to the New Russia Township Zoning Inspector shall be forwarded in a timely fashion to the Commission Chairperson for dissemination to the members of the Commission.

The applicant and/or an authorized representative should attend the Public Hearing scheduled by the Commission for such an application. The failure of the applicant or the authorized representative to attend the hearing will result in the Commission proceeding to conduct the hearing in their absence, as required by ORC 519.12. Once a hearing has commenced, nothing

herein shall prevent the Commission from conducting the hearing in/on multiple sessions/days until they deem it concluded.

The applicant or authorized representative may provide written, oral, and/or multimedia testimony in support of an application during the designated Public Hearing. Such materials should be provided with the completed application. All people providing testimony or comment must be duly sworn in by the Chairperson or designated officer and provide their name and address for the public record.

Public Comment

Public meetings are considered to be limited forums. An opportunity for reasonable public discourse regarding a topic does not necessarily have to be offered unless otherwise required by law, such as during a public hearing. When the opportunity for reasonable public discourse is offered or required, the Zoning Commission has the right to enact content-neutral provisions such as limiting speech content to those matters on the agenda and/or topics relevant to the matter(s) before the Commission. The Commission shall not be permitted to engage in the discrimination of the orderly expression of an on-topic viewpoint.

A public comment period shall be provided during any required public hearing, matters considered legislative in nature (e.g., zoning text and/or map amendments), or as prescribed by law for the purposes of providing testimony. Public comment periods for the purpose of providing testimony may be, but are not required to be, offered during the hearing of an application considered administrative in nature or the consideration of ministerial matters (e.g., preliminary development plans, final development plans, plan amendment reviews, or procedural matters). A general public comment period about any zoning-related item on or off the agenda may also be offered during a meeting of the Zoning Commission but is not required. Such comments shall be limited to topics that fall under the purview of the Zoning Commission. All public comments shall be given the weight they are due by the Commission as recognized by law.

Alternatively, public comments may be submitted in writing prior to a public hearing by e-mail, by mail or by hand delivery to the Zoning Commission at 46300 Butternut Ridge Road, Oberlin, Ohio 44074, and shall be considered prior to the public hearing. Individuals may elect to either submit a written comment prior to the public hearing or verbally comment during the public hearing. Written comments shall be limited to 500 words or fewer, must include the name and address of the presenter, and are limited to one submission per person, per public hearing. Written comments must be submitted at least 24 hours prior to the public hearing. The Zoning Inspector and other Township staff are not required or expected to transcribe or convey any verbal public comments made or provided to them, directly or indirectly, in advance of a meeting. Similarly, neither the Zoning Commission nor New Russia Township is required or expected to collect any public comment made on social media platforms, forums, applications, messaging services, and the like, township-operated or otherwise (including Facebook, Twitter aka X, YouTube, Instagram, Nextdoor, Snapchat, etc.), and these comments shall not be deemed “properly submitted” for meetings or Public Hearings. The Chairman shall confirm by statement at the public hearing that properly submitted written comments were reviewed by the Zoning Commission.

Comments are deemed to be "properly submitted" if given either verbally during or in writing 24 hours prior to the public comment period of Zoning Commission meetings. Any properly submitted public comments shall be shared with the Zoning Commission and shall be entered into the applicable public record. The public shall be permitted to comment during a meeting in the following order, as applicable (subject to change at the discretion of the Chairperson):

1. Adjacent landowners
2. Property owners that are directly impacted by the application
3. Property owners within approximately 500 feet of the subject property
4. Township residents at-large
5. Any other interested member of the public

All verbal public comments made during a meeting shall be made from the recognized podium and/or from another designated area within the meeting room as authorized by the Chairperson. All comments shall be directed to the Zoning Commission. Neither the Commission nor staff is obligated to respond to or answer any public comment or question. The Commission shall give all public comments the weight they are due.

During permissible virtual or quasi-virtual meetings (including telephones), the Commission reserves the right to mute all attendees (with the exception of other members, staff, and the applicant actively appearing before the Commission) until it is their turn to speak and then re-mute attendees when said turn is over. The Commission may also mute those whose audio is found to be disruptive to the Commission's ability to conduct a proper, orderly hearing.

Regarding verbal public comment, in addition to the authority already mentioned, the Chairperson may:

1. Open (or re-open) a designated public comment period.

2. Authorize an applicant to respond to a question or comment during the public comment period. Otherwise, the applicant will be provided with the opportunity to respond to comments once the Chairperson has closed the open public comment period.

3. Enforce a time limit for public comment on a per speaker basis so long as such limitation is applied uniformly to all members of the public and is consistent with the rules herein. No person may yield their time, in whole or in part, to another person(s).

4. Assign a member of the Commission, or request a member of staff, to keep time.

5. Prematurely end an individual's allotted public comment time if said individual is found to be disrupting a public meeting, acting out of order, or speaking on topics that are not relevant to the matter currently before the Commission.

6. Prohibit members of the public from speaking more than one time.

7. Request that testimony or comment be limited to new information not presented by

other speakers.

8. Limit repetitive, unproductive, or off-topic debate so long as such limitation is not discriminating against a speaker's viewpoint or right to otherwise speak.

9. Close a designated public comment period, temporarily or permanently, so long as the opportunity for all those wishing to make relevant comments has already been offered or, in the case of the former, will be offered during the proceeding in the future.

10. Choose whether to recognize public comment not in compliance with the rules established herein. Any comments not recognized by the Chairperson should be ignored.

11. Choose whether to recognize comments made by the public outside of the designated comment period. Recognized comments may be entered into the public record to the greatest extent possible. Any comments not recognized by the Chairperson should be ignored.

Motions

Motions should be as clear and thorough as possible and should be, but are not required to be, made in the affirmative to avoid confusion. Motions may be made by any recognized voting member, including the Chairperson. Alternates not sitting as a voting member shall not be permitted to make (or second) a motion. No motion shall be voted on unless it is seconded by a recognized voting member. Regardless of the number of members or alternates present, the concurring vote of a majority of the Commission present shall be necessary to pass any motion per Ohio law (i.e., 2 of 3, 3 of 4, or 3 of 5). Alternate members shall not be permitted to vote on any motion or resolution unless they are sitting as a recognized voting member. Doing so may invalidate the vote.

Unless otherwise stipulated, the failure of a motion of approval to secure at least a majority of concurring votes shall constitute a decision/recommendation for denial. As such, a split or tie vote shall render a motion unsuccessful. Should a motion in the affirmative fail, and thus represent a recommendation/decision of denial, the Zoning Commission may elect to make, but is not required to make, a motion of denial for the purposes of clarification.

A motion to continue a matter shall mean that consideration of the matter would be extended to a specific and expressly stated date, time, and place in the future. Public Hearings continued on the record to a specific date, time, and place are to be re-noticed (i.e., re-advertised).

A motion to table shall mean consideration of the matter would be extended indefinitely or to an uncertain date, time, or place. Such matter shall be un-tabled by either the successful adoption of a motion to do so or the filing of any request or required application to do so. Re- notice (i.e., re-advertisement) of an un-tabled matter shall only be required if notice was originally required for said matter.

A motion to schedule a decision shall mean that the pending hearing shall be officially closed to any further testimony or public comment and that a subsequent re-convening of the Zoning

Commission shall be scheduled for a date, time, and place certain for the sole purpose of rendering a decision(s) on said matter. The scheduling of such a meeting shall comply with any applicable laws or due process requirements. Re-convening for the aforementioned purpose may be scheduled during a regular meeting of the Zoning Commission, however, if the re-convening is scheduled to occur during a special meeting instead, said meeting shall be properly advertised.

The results of a vote on a motion pertaining to an application or a matter of due process are final and may not be altered. Motions pertaining to items other than the aforementioned potentially may be modified or repealed by the successful passing of a subsequent motion.

Voting

Commission members must be lawfully present at a meeting to vote. Each recognized voting member shall be entitled to one vote. Votes shall be made orally. Roll call, if/when required, should generally be called in alphabetical order by last name except for the Chairperson (or acting Chairperson) who should be called last, however, failure to follow the aforementioned procedure does not invalidate a vote. In addition to voting yay or nay, a member may cast a vote to abstain. Said member is not required to disclose their reason for abstaining. Members are expected to cast their vote when their name is called and shall not be permitted to cast their vote out of order of the roll as called (e.g., deferring a vote, temporarily passing, or requesting the roll call 'come back' to them after subsequent votes are cast). Any vote given out of order of the roll as called shall be counted as an abstention. Members shall not be permitted to change their vote for a specific motion once it has been cast. Per Ohio law, the Zoning Commission may not delegate its power or vote to any other entity, including the general public.

Recess

The Chairperson may temporarily recess a meeting or hearing for any legitimate reason other than to maliciously interfere with the protected, constitutional rights of any given party (ex: freedom of speech, due process). The Commission shall also not enter recess for the purposes of privately discussing, deliberating, or voting on any official or pending business of the Zoning Commission. The entering/existing of recess shall only require an informal, general consensus of the Commission. The Chairperson shall clearly announce the entering and exiting of recess for the record. Prior to entering recess, the Chairperson shall also announce when the meeting will resume, if possible. Unless circumstances beyond the Commission's control exist, the Commission must exit recess and resume a public meeting prior to adjourning said meeting.

During a declared recess, Commission members shall still obey all Sunshine laws, shall not engage in any ex parte communication, and shall not discuss any pending application, case, or matter with unauthorized individuals or parties, including other members, the applicant, media, or the public. Members may, however, individually consult with New Russia Township staff and/or counsel regarding ministerial, procedural, or legal matters.

Executive Session

The Zoning Commission shall only enter executive session if authorized by law and only for the purposes expressly stated by law. The entering and exiting of executive session shall require a

motion and shall state the time when the Commission enters executive session. The entering motion shall specifically state the reason for the executive session as stated by law. A concurrent majority vote of the Commission conducted by roll call on said motion shall be required to enter and exit executive session. The Commission may hold executive session in a room or area other than where the public meeting is being held or may request the meeting room be vacated until they are ready to exit executive session. Unless circumstances beyond the Commission's control exist, the Commission must exit executive session and resume a public meeting prior to adjourning said meeting.

Discussions during executive session shall be limited to the officially declared reason for the session. No decisions shall be made, or votes cast, during executive session unless otherwise authorized by law. Executive session proceedings, including documentation, communications, discussion, or notes shall not be considered a public record unless otherwise required by law. The content of executive session is privileged and shall not be discussed or shared with anyone not in attendance of said session (excluding counsel) or otherwise authorized by the Zoning Commission. Unless permitted by law, no Zoning Commission member shall be prohibited from participating in executive session. The Chairperson reserves the right to restrict which non-Commission members are permitted to attend executive session, however, authorized attendance of non-members is strongly encouraged to be limited only to those whose attendance is absolutely necessary for discussion. This may include counsel, New Russia Township staff, New Russia Township committee members, invited representatives of other public/private entities, consultants, and/or those officially acting on behalf of the township (e.g., real estate agents, brokers). Applicants and members of the general public shall not be permitted to attend executive sessions.

Records

A written memorandum of each meeting (i.e., minutes) will be originated by the Commission's Secretary, and submitted for approval. The written records of each meeting will constitute the meeting minutes and shall be retained in accordance with the aforementioned records schedule. Record keeping origination, retention, and compliance with applicable law and schedules are generally the responsibility of New Russia Township Zoning Commission Secretary, however, this does not preclude members from complying with the township's records retention schedule or Ohio law. The New Russia Township Fiscal Officer, in conjunction with legal counsel, retains all final decision-making authority pertaining to public records. The Commission shall, from time to time, review the New Russia Township records retention schedule and may provide any recommended changes to staff. Should the need arise, the Commission and/or the applicant may utilize the services of a Court Reporter. Such a transcript would be a public record as well.

Order and Safety

The Commission, Chairperson, or New Russia Township staff are permitted to ask a person to leave the meeting or request that Lorain County Sheriff's Office remove any individual from the meeting for failing to abide by the Commission's rules after a verbal warning is issued, for interfering with others ability to see, hear, or speak during the meeting, and/or for unlawful actions, including but not limited to disorderly conduct (O.R.C. 2917.11) and/or disrupting a lawful meeting (O.R.C. 2917.12). The following actions are examples of behaviors that are

prohibited:

1. Making unrecognized commentary, chants, and/or other such noises, including applause and music, which renders others, including the Commission, unable to hear or speak.

2. Displaying signs or other symbolic items in a manner that may obstruct the view of others such as above or next to one's head.

3. Recording meetings in a manner that hinders the ability of others to reasonably hear or see the proceedings.

4. Placing equipment, cords, or belongings in any kind of disruptive or hazardous manner.

Individuals found to be out of compliance with these rules may be ruled out-of-order. This standard shall apply to all in attendance, including all Commission members, both regular and alternates, and township staff. Such a ruling shall be documented in the official minutes of the Commission. The Commission reserves the right to make a motion to control outbursts and/or to move business forward that is being intentionally stalled or filibustered. Failure of a member to abide by a successful motion to such effect shall also be grounds to find said member out of order.

The Oberlin Fire Department enforces all aspects of the fire code, including how many individuals may occupy a building or meeting space (including the Township Hall) at any one time. Law enforcement and/or safety assurance actions, including those of the Fire Marshal, which may prevent individuals from attending a meeting in any way does not invalidate the legitimacy of a public meeting, any votes cast, or actions taken during said meeting.

AMENDMENT OF RULES OF PROCEDURE

At any meeting of the Commission, these rules may be amended or repealed in whole or in part so long as such action is lawful. New rules may be added and adopted by the affirmative vote of a majority of the Commission members present. The Commission reserves the right to supplement these rules of procedure with Robert's Rules of Order. Failure to use Robert's Rules of Order shall not invalidate any procedure taken by the Commission.

REVIEW OF RULES OF PROCEDURE

It is a best practice for the Commission to review these rules at the regular meeting held during the month of March in each calendar year, or as soon as practical, and subsequently amend them as needed. The preceding statement shall not preclude the Commission from reviewing and amending these rules at any other time they deem necessary.

-END-

ADDITIONAL INFORMATION

EXHIBIT 1: Zoning Commission – General Checklist

Zoning Resolution Amendments	Re-Zoning Requests	Site Plans	Checklist Description
X	X	N/A	Read the legal notice and identify the date(s) said notice was posted/advertised
X	X	X	Swear any individuals in wishing to present or make public comment *NOTE: public comment periods are optional for administrative reviews (i.e., final development plan and final development plan amendment applications)*
X	X	X	**All Exhibits are marked, noted, and entered into record:** - Sign-in sheet(s). - Notice(s). - Application (including plans and/or supporting materials) - Any revised or supplemental materials submitted by the applicant - Staff review(s). - DCRPC recommendation (zoning text and/or map amendments only) - Relevant correspondence. - Public comments - Other evidence submitted to the Commission.
X	X	X	Staff presentation of application
X	X	X	Applicant presentation of their proposal
X	X	X	Public comment period
X	X	X	Applicant response to public comment
X	X	X	**Commission Discussion:** - Review application against the recommendations of the Comprehensive Plan (if applicable) - Review application against the regulations of the Zoning Resolution *NOTE: The comprehensive plan is a guideline that can be used to support a decision, especially regarding re-zoning requests, but it is not a legally enforceable document in and of itself. If the plan conflicts with the Zoning Resolution, the Resolution legally prevails.*
X	X	X	Zoning Commission vote on application, noting any agreed-upon conditions and findings of fact. Said vote may or may not be a final vote dependent upon the type of application and standards of the Zoning Resolution