

Village of Lordstown Planning Commission

September 1, 2021

The Lordstown Planning Commission met on September 1, 2021, at 5:00 p.m. at the Lordstown Administration Building. The meeting was called to order by Chairperson Tim Rech, followed by the Pledge of Allegiance to the Flag. Roll call was taken.

In Attendance: Tim Rech, Chairperson  
Richard Rook, Vice Chairperson  
Arno Hill, Mayor  
Don Reider, Council Member  
  
Paul Dutton, Solicitor  
Kellie Bordner, Planning & Zoning Administrator  
Denise L. Dugan, Assistant Planning & Zoning Administrator

Also Present: Bob Shaffer, Lordstown, Ohio  
Steven Dines, Plant Manager, M&M Industries, Inc.  
Glenn H. Morris, President and Chief Executive Officer  
Darrell Davis, Vice President and Chief Operating Officer  
Ed Kennedy, President, Kennedy Railroad Services  
Austin Bischoff, Project Manager, Rudolph Libbe Group

**APPROVAL OF AGENDA:**

**MR. RECH:** All right, thank you. Everybody is here -- Reading and Approval of the Agenda. Is there a motion to approve the agenda this evening?

**MAYOR HILL:** I'll make that motion.

**MR. RECH:** I heard the Mayor -- second?

**MR. REIDER:** Second, Mr. Chairman.

**MR. RECH:** All right, we have the Mayor, and we have Mr. --

**MS. BORDNER:** -- Reider.

**MR. RECH:** Okay, very good -- all in favor, say "aye".

**MR. REIDER:** Aye.

**MAYOR HILL:** Aye.

**MR. RECH:** Aye.

**MR. ROOK:** Aye.

(ROLL CALL VOTE: 4, AYE; 0, NAY; 0, ABSTAINED.)

**APPROVAL OF MINUTES of June 14, 2021:**

**MR. RECH:** Very good. We have two (2) different minutes -- one from June 14th, and one from July 12th. Is there a motion to approve -- can we do both or should we do separate?

**SOLICITOR DUTTON:** You have to do them separate.

**MR. RECH:** Okay, very good -- thank you, sir. Is there a motion to approve the June 14th minutes?

**MR. ROOK:** Motion to approve.

**MR. RECH:** Mr. Rook -- is there a second?

**MAYOR HILL:** Second.

**MR. RECH:** All right, Mr. Mayor -- everybody in favor, aye?

**MR. REIDER:** Aye.

**MAYOR HILL:** Aye.

**MR. RECH:** Aye.

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**MR. ROOK:** Aye.

**MR. RECH:** All right, anybody opposed?

(WHEREAS, THERE WAS NO RESPONSE FROM THE BOARD, AND PROCEEDINGS WERE AS FOLLOWS:)

(ROLL CALL VOTE: 4, AYE; 0, NAY; 0, ABSTAINED.)

**APPROVAL OF MINUTES of July 12, 2021:**

**MR. RECH:** Very good -- then we have the July 12th minutes. Is there a motion to approve those?

**MAYOR HILL:** So moved.

**MR. RECH:** Mr. Mayor -- is there a second?

**MR. REIDER:** Second.

**MR. RECH:** Mr. Reider -- all in favor, say "aye".

**MR. REIDER:** Aye.

**MAYOR HILL:** Aye.

**MR. RECH:** Aye.

**MR. ROOK:** Aye.

(ROLL CALL VOTE: 4, AYE; 0, NAY; 0, ABSTAINED.)

**PLANNING AND ZONING ADMINISTRATOR'S REPORT:**

**MR. RECH:** All right, those are approved as well. Thank you very much -- moving on to Planning and Zoning Administrator's Report?

**MS. BORDNER:** No report.

**SOLICITOR'S REPORT:**

**MR. RECH:** All right. Is there a Solicitor's Report?

**SOLICITOR DUTTON:** No report.

**CORRESPONDENCE:**

**MR. RECH:** Thank you. Is there any correspondence?

**MS. DUGAN:** No, sir.

**OLD BUSINESS:**

**MR. RECH:** All right -- any Old Business?

**MS. DUGAN:** No, sir.

**NEW BUSINESS: 1. Site Plan Review for M&M Industries, Inc., Phase 2 Development, Rail Spur, 1702 Henn Parkway, Lordstown, Ohio**

The Village of Lordstown Site Plan Review

NAME: **M&M INDUSTRIES, INC. – LORDSTOWN - PHASE 2 RAIL SPUR**

ADDRESS: 1702 Henn Parkway

- 1. Existing Zoning of the property:** I-1 Industrial
- 2. Describe the floor plan of the intended building for specific use (attach diagram/floor plan):** Phase 2 development for M&M Industries, Inc. is a rail spur which will be installed off the existing railroad tracks north of M&M's property line as approved by Norfolk Southern Railway. The spur will be developed in a southwest direction, crossing the north/rear M&M property line, traveling across their parcel to end at a 34' wide safety buffer on the west side of the existing building, for a total distance of 1,092 linear feet, alongside of the structures approved during Phase 1. Approximately 702 linear feet of rail will be located on Applicant's parcel. The rail spur

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will allow for bulk delivery of plastic resin pellets used in the manufacture of plastic pails. The pellets will be vacuumed from the rail cars into the silos on the west side of the existing building. The rail spur will cross, and be incorporated into, the existing asphalt driveway on the north (rear) side of the building; however, the driveway accessibility will not change during this phase of development.

Applicant states that the setback from the western property line to the closest point of the rail spur is approximately 129 feet. The existing terrain rises from the Norfolk Southern interchange to an embankment high point about 100' south of the M&M rear property line and then slopes down to return to the general property elevation of 694.00 feet. The rail spur will hold the 694.00-foot elevation and will require cutting into the embankment to maintain the property elevation.

The contractor designing and building the rail spur is Kennedy Railroad Services of North Jackson, Ohio.

- 3. Location and dimension of all off-street parking and loading areas including the number of spaces (attach diagram/plot plan/layout):** Applicant states that there remain 225 total available parking spaces in the parking lot south of the building and 13 loading docks on the east side of the building, as identified during Phase 1 review. The rail spur development during Phase 2 will not cause alteration to the current off-street parking and loading areas.
- 4. Location, size, height, and orientation of all signs, both existing and proposed:** A new double-faced monument sign and base has been placed on the property near the corner of Henn Parkway and Tod Avenue. This sign received zoning permits following Phase 1 review. M&M logo signs are located on the 4 silos. A zoning permit was issued for those signs. Applicant still proposes to place directional signs at the driveway entrances for truck and employee traffic, as well as perhaps a future wall sign on the building. Applicant is aware that zoning permits for any further signage must be obtained through the Lordstown Planning & Zoning Office.
- 5. Location of all streets project is fronting on:** The building facility at 1702 Henn Parkway fronts on Henn Parkway to the south. The rail spur in Phase 2 development will run parallel to State Route 45 (Tod Avenue), which is located to the west of the building facility.
- 6. Other information required by the Planning Commission:** Applicant explains that Planning Commission should be aware that rail deliveries will vary based upon Applicant's discretion. Rail cars will have different lengths of stay on site, and the time required for loading/unloading of material will also be at Applicant's discretion. A Norfolk Southern locomotive will be utilized to move the rail cars. Three (3) rail cars measuring 68' long and nearly 16' high from ground level to the top of the cars, can be parked/stored on the rail spur which ends on the west side of the existing building. Applicant offers that rail cars will be located along the existing building at 400'+ from an intersection, and 100'+ from Tod Avenue, where an existing tree and thick underbrush vegetation line will obscure the visibility of the rail cars. Applicant states that no traffic sight impairments will occur.

Applicant further states that they will follow OSCHA rail safety protocols and that Norfolk Southern follows the Ohio Operation Plan for rail incidents. Applicant explains that private businesses do not need to provide a safety protocol for rail spurs beyond that which is established by state and federal authorities.

Applicant offers that as a result of a recent 2018 survey documenting the absence of the Indiana bat in this specific vicinity, M&M Industries received permission for tree clearing to take place at any time of the year from the Ohio Department of Natural Resources (ODNR) and the U.S. Fish and Wildlife Service (USFWS). This permission was granted through March 31, 2023.

Applicant also offers that a storm water and drainage area survey was conducted and the information relative to this study, along with the updated, temporary storm water management, sediment and erosion control plans, were provided to the Lordstown Village engineer for review as to compliance with Lordstown Codified Ordinance requirements. Applicant states that a storm water crossing will be installed under the new spur north of the existing asphalt driveway.

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Additionally, Applicant explains that a temporary storm water control structure/storm water retention area will be created in the existing ditch east of the Tod Avenue right-of-way and west of the driveway. This will create a temporary pond during periods of rainfall. Applicant, M&M Industries states that it will assume all risk with the construction of this temporary storm water control structure and temporary pond. Phase 3 development will address storm water management for the entirety of the site, bringing it into compliance with code requirements at that time. Phase 3 is currently a work in progress; however, a detailed schedule cannot be provided due to COVID-19 affecting supply chains.

Applicant states that a wetland delineation, along with a jurisdictional resource determination, was performed by the U.S. Army Corp. of Engineers and it was determined any wetlands and/or streams in the area of rail spur development were considered non-jurisdictional. Those reports have been submitted to the Lordstown Village engineer for review.

Applicant further states that an endangered species report was completed by an organization from Solon, Ohio known as Partners. Following their research in conjunction with ODNR and USFWS, which found bald eagle nests within 3 to 9 miles of the project, a Great Blue Heron Rookery within a 1-mile radius of the property and a threatened retille species and mussel species within Trumbull County, an on-site evaluation determined that no such endangered species were located here.

The Norfolk Southern Railway review of the proposed M&M rail spur resulted in an agreement with approval being granted. A copy of such approval has been provided to the Village Engineer, Lordstown Planning & Zoning Office and Planning Commission.

In general, Applicant states that the proposed rail spur will be constructed in accordance with the American Railway Engineering and Maintenance Association manual and will comply with all federal, state and Village laws, ordinances and regulations. The proposed rail spur has also been designed to meet the July 2020 Norfolk Southern Railway Company Specifications for Design and Construction of Privately Owned Industry Tracks.

**MR. RECH:** All right, New Business then -- we have Site Plan Review for M&M Industries, Incorporated, Phase 2 Development, Rail Spur, 1702 Henn Parkway Lordstown, Ohio.

**MS. BORDNER:** Yes, sir. This is occurring on the property, which is zoned I-1.

The Phase 2 Development for M&M Industries is a rail spur, which will be installed off the existing railroad tracks north of M&M's property line, as approved by Norfolk Southern Railway. The spur will be developed in a southwest direction, crossing the north/rear M&M property line, traveling across their parcel, to end at a 34-foot wide safety buffer on the west side of the existing building, for a total distance of 1,092 linear feet, alongside of the structures approved during Phase 1. Approximately 702 linear feet of the rail will be located on the Applicant's parcel. The rail spur will allow for bulk delivery of plastic resin pellets, which are used in the manufacture of the plastic pails. The pellets will be vacuumed from the rail cars into the silos on the west side of the existing building. The rail spur will cross, and be incorporated into, the existing asphalt driveway on the north, rear side of the building; however, the driveway accessibility will not be changed during this phase of development. Applicant states that the setback from the western property line to the closest point of the rail spur is approximately 129 feet. The existing terrain rises from the Norfolk Southern interchange to an embankment high point about 100 feet south of the M&M rear property line and then slopes down to return to the general property elevation of 694.00 feet. The rail spur will hold the 694.00-foot elevation and will require cutting into the embankment to maintain the property elevation.

The contractor designing and building the rail spur is Kennedy Railroad Services of North Jackson, Ohio.

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A new double-faced monument sign and base has been placed on the property near the corner of Henn Parkway and Tod Avenue. This sign received zoning permits following Phase 1 review. M&M logo signs are located on the four (4) silos. A zoning permit was issued for those signs as well. Applicant still proposes to place directional signs at the driveway entrances for truck and employee traffic, as well as perhaps a future wall sign on the building. Applicant is aware that zoning permits for any future signage must be obtained through the Lordstown Planning and Zoning Office.

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Applicant explains that the Planning Commission should be aware that the rail deliveries will vary based upon Applicant's discretion. Rail cars will have different lengths of stay on the site, and the time required for loading and unloading of material will also be at Applicant's discretion. A Norfolk Southern locomotive will be utilized to move the rail cars. Three (3) rail cars measuring 68 feet long and approximately 16 feet high from the ground level to the top of the cars, can be parked/stored on the rail spur which ends at the west side of the existing building. Applicant offers that rail cars will be located along the existing building at 400'+ from an intersection, and 100'+ from Tod Avenue, where an existing tree and thick underbrush vegetation line will obscure the visibility of the rail cars. Applicant states that no traffic sight impairments will occur.

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Additionally, Applicant states that a temporary stormwater control structure/stormwater retention area will be created in the existing ditch east of Tod Avenue right-of-way and west of the driveway. This will create a temporary pond during the periods of rainfall. Applicant, M&M Industries, states that it will assume all risk with the construction of this temporary stormwater control structure and temporary pond. Phase 3 development will address the stormwater management for the entirety of the site, bringing it into compliance with Code requirements at that time. Phase 3 is currently a work in progress; however, a detailed schedule cannot be provided due to Covid 19 affecting supply chains.

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In general, Applicant states that the proposed rail spur will be constructed in accordance with the American Railway Engineering and Maintenance Association manual and will comply with all Federal, State and Village Laws, Ordinances and regulations. The proposed rail spur is also designed to meet the July 2020 Norfolk Southern Railway Company Specifications for Design and Construction of Privately Owned Industry Tracks.

I also have the memorandum, which was prepared by Christopher Kogelnik. He could not be here this evening. He is our Village Engineer. The memorandum was dated August 12th, 2021 -- and if it's your pleasure, Mr. Chairman, I'll read it on the record.

**MR. RECH:** Sure, please.

**MS. BORDNER:** Mr. Kogelnik states that he has -- *"I have concluded my plan review of the documents (PDF plans) the Developer's representative has e-mailed to me for his land development plan submission for the subject project. I have received no printed copies to review."* At that point -- he did, later, have them. *"In general this improvement plan for Phase 2 is to construct a new railroad spur line off of the Norfolk Southern Railroad track line and arc it horizontally along the north and west side of the existing building. This improvement requires some tree removal and site grading on the north side of the parcel, and thus would produce an increase in the surface runoff during storm events that needs to be accounted for and managed. Therefore the Developer has provided plans to achieve that objective. It is our understanding that the raw materials for the production of plastic containers is the material that will be hauled to the M&M site by rail. This project has no planned or foreseeable impact to roadway traffic, nor impacts buried or above-ground utilities. During Phase 1 CT identified a conflict with the proposed railroad spur line and a future planned overhead electric transmission line to be constructed by First Energy and then promptly informed the appropriate representatives. It is our assumption that conflict has been resolved. CT also identified a CAT 1 wetland that was identified by the engineer of First Energy where the proposed rail spur line was to be positioned and also alerted the responsible people. And it is our assumption that conflict has been resolved by the Developer."*

*On Tuesday, August 10, 2021, I had a lengthy and productive telephone call with the Developer's Engineer Rep, discussing his improvement plans for Phase 2 (specifically the two (2) stormwater management plan sheets e-mailed to me). I told the rep that I agreed with his plan in general and in concept and then I summarized our telecon's general dialogue in an e-mail to the appropriate people.*

*Between August 10 and present day I have reviewed, in close detail the two (2) stormwater management plan sheets for Phase 2 and I provided my comments to M&M representatives in a virtual meeting on August 12th. Those comments included the types of buried pipe and pipe culvert they specified (CMP and PVC) and also the Design Engineer's statement that the illustrated stormwater management facility is considered "temporary". I also stated that the Developer will need to provide the Village with their executed agreement with Norfolk Southern Railroad. The Developer's representative stated that Norfolk Southern Railroad is the hang-up right now and the Developer fully intends to submit the agreement along with his Phase 2 land development improvement plans. Following our meeting today I also e-mailed a reminder to the Developer's Engineer to make sure to illustrate the existing sanitary sewer*

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*forcemain and easement line on the west side of their parcel and reminded them to publish the OUPS information on their plan set.*

*A couple of weeks ago I received some very preliminary concept plans for a future Phase 3 for M&M involving the addition of a large building attached to the northeast corner of the existing building. These were e-mailed to me only to illustrate future considerations the Developer was making so that the Village could be aware of what future improvements were being considered. During the phone conversation on August 12th, the Developer's representative assured me that Phase 3 would be implemented but he could not guarantee when (reason being, the pandemic.)*

*During the phone call of August 10 with the Developer's Engineer we discussed some important items to consider as this Phase 2 project's "temporary stormwater management" elements of Phase 2 transitions to "permanent stormwater management" elements in Phase 3. That dialogue is going to become crucial when Phase 3 plans begin to be developed. However, there is no action taken, herein, for Phase 3.*

*Given the temporary design of this Phase's stormwater management I told the Developer's Rep that I could see how this could work temporarily but M&M would likely be at risk to handle and manage more operations and maintenance of this temporary stormwater management facility. So I also recommended that the Developer include in his Phase 2 submission a letter to the Planning Commission acknowledging that the Phase 2 stormwater improvements would be temporary and that M&M assumes all risk for the temporary design and once Phase 3 is implemented the stormwater management facility will be made permanent. It should be obvious to the reader of this memo that allowing Phase 2's stormwater management to be temporary should only be approved based upon the conditions that a) M&M Phase 3 stormwater management be fully implemented per the Village Codified Ordinances and/or b) M&M not selling their parcel of land(in an unforeseen situation) without first successfully constructing a Village-approved permanent stormwater management system.*

*In conclusion, my plan review of the stormwater management elements and utility impacts of this Phase 2 improvement are complete. The Developer's Design Engineer only has the few items above to address for completion. Please contact me if you should have any questions. Christopher Kogelnik."*

**MR. RECH:** All right, thank you -- good evening, gentlemen. Would you like to -- I don't know who is going to speak, but would you like to introduce yourselves and get it on record?

**MR. DINES:** Okay, I'm Steve Dines. I'm the Plant Manager. With us, tonight, is Ed Kennedy. He's going to be building the railroad section for ourselves.

This is Austin Bischoff. He's half handling the Site Plan for us, and he's also handling the project, as an entirety -- for the entire project of what we're doing in Lordstown.

This young man, here, is Glenn Morris. He is the Owner and CEO of M&M Industries.

And the person next to him is Darrell Davis. He is our COO.

**MR. RECH:** Welcome, everybody. Anything you want to add before I ask if there's any questions?

**MR. DINES:** I don't think so.

**MR. RECH:** Okay, is there questions from the Planning Commission?

**MAYOR HILL:** I have none.

**MR. RECH:** Okay.

**MAYOR HILL:** I think the presentation went very well -- and whenever you want a motion, let me know.

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**MR. RECH:** The only question I have -- and I guess it would be for Mr. Dutton -- do we need to have any language in our motion about the potential stormwater issue or are we good with just -- with Chris' -- Mr. Kogelnik's report?

**SOLICITOR DUTTON:** Well, Chris' report is based upon his review of the proposed rail spur and how stormwater management would affect it or impact it. I think, for the record, you should ask the Applicant if they agree with Mr. Kogelnik's assertion -- and if not, why? And what they -- you know, how they would propose to respond?

Keep in mind, that that is simply a recommendation from Mr. Kogelnik --

**MR. RECH:** Uh-huh.

**SOLICITOR DUTTON:** -- and if you wish to embrace it, you could include it as a condition -- or you could not -- and defer it until such time as it does become an issue.

**MR. RECH:** Gotcha -- okay. Is there anything with Mr. Kogelnik's report that you disagreed with or want to enhance upon or --

**MR. DINES:** I don't think so. And I think we did -- it was documented in the Site Plan that we do agree with it, and that is our intentions -- to follow that plan.

**MR. RECH:** Okay.

**MR. DINES:** I think it's very thorough and a strong plan for us moving forward.

**MR. RECH:** All right, very good.

**SOLICITOR DUTTON:** That's good.

**MR. RECH:** Okay, thank you, sir. And then you -- obviously, you got the last piece that we got e-mailed and received this evening was the agreement with Norfolk Southern that needed to be done, so that is good.

And that's the only two questions that I had. Did anybody else have anything to add?

**MS. BORDNER:** I'm just going to say that -- as I stated in the Site Plan Review, they -- M&M, through Mr. Dines, on behalf of the company -- and he's done a great job with this -- has acknowledged that they have a temporary stormwater management system. I'm not very good with all that stuff. That's why we hire Chris. So I think I'm saying that correctly -- but he has acknowledged that M&M Industries will assume the risk on that temporary situation, in writing to me; and I have included it in my report, and -- so I don't know if we need to make that a condition because he's already acknowledged that, on behalf of the company -- and they're going to resolve that in Phase 3.

**MR. RECH:** Okay.

**MS. BORDNER:** The only other question I have would have -- I believe, Chris wanted me to ask was -- did you resolve the transmission pole situation?

**MR. DINES:** Oh, absolutely -- we resolved it by moving.

**MS. BORDNER:** I just wanted to put that on the record.

**MR. DINES:** Yeah, we did.

**MR. RECH:** Okay. Are you currently manufacturing now -- or are you still in, like, in the start-up process?

**MR. DINES:** We actually made our first pails yesterday. So that was a monument moment for us.

**MR. RECH:** That's great.

**MR. DINES:** So we're getting there, and it's been moving quick -- but there's lots of stuff happening.



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**MR. RECH:** Yeah, that's good -- and we learned, from last time, to refer to it as a pail rather than a bucket. So we're on board with you there -- so very good. Any other questions or comments?

(WHEREAS, THERE WAS NO RESPONSE FROM THE BOARD OR FLOOR, AND PROCEEDINGS WERE AS FOLLOWS:)

**MR. RECH:** Hearing none -- okay, can we have a motion, then, for site -- approval of Site Plan Review for M&M Industries, Incorporated, Phase 2 Development Rail Spur, 1702 Henn Parkway, Lordstown, Ohio.

**MAYOR HILL:** I'll make that motion.

**MR. RECH:** Mayor Hill -- is there a second?

**MR. ROOK:** Second.

**MR. RECH:** I heard Mr. Rook first. Okay, hearing that -- can we have roll call on this issue, please?

**MS. DUGAN:** Yes -- Arno Hill?

**MAYOR HILL:** Yes.

**MS. DUGAN:** Tim Rech?

**MR. RECH:** Yes.

**MS. DUGAN:** Don Reider?

**MR. REIDER:** Yes.

**MS. DUGAN:** And Richard Rook?

**MR. ROOK:** Yes.

(ROLL CALL VOTE: 4, AYE; 0, NAY; 0, ABSTAINED.)

**PUBLIC COMMENTS:**

**MR. RECH:** All right, thank you very much -- that carries. Thank you, gentleman, for coming. Are there any other comments this evening from anybody -- public or otherwise?

(WHEREAS, THERE WAS NO RESPONSE FROM THE BOARD OR FLOOR, AND PROCEEDINGS WERE AS FOLLOWS:)

**ADJOURNMENT:**

**MR. RECH:** Hearing none -- is there is a motion for adjournment?

**MAYOR HILL:** Yes, sir.

**MR. RECH:** All right, Mayor Hill -- is there a second? I'll second -- all in favor, aye?

**MR. REIDER:** Aye.

**MAYOR HILL:** Aye.

**MR. RECH:** Aye.

**MR. ROOK:** Aye.

(ROLL CALL VOTE: 4, AYE; 0, NAY; 0, ABSTAINED.)

**MR. RECH:** All right, thank you everybody. We are adjourned.

(WHEREUPON, THE PUBLIC HEARING BEFORE THE LORDSTOWN VILLAGE PLANNING COMMISSION, IN THE ABOVE-CAPTIONED MATTER, CONCLUDED AT 5:21 P.M.)

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Submitted by:

Approved by:

Denise L. Dugan  
Assistant Planning & Zoning Administrator

Tim Rech  
Chairperson