

**Brimfield Township Board of Trustees
Regular Meeting
Wednesday August 28, 2019**

The Brimfield Township Board of Trustees met in a regular meeting on the above date, at the Brimfield Town Hall. Present were Trustees Sue Fields, Mike Kostensky, Nicholas Coia and Fiscal Officer John Dalziel.

The meeting was called to order at 8:00 AM.

Meeting Guest -

Safety Issues - Christine Ambrose – 2880 Congress Lake Road
Speed Issues on Congress Lake Road

MOTION #2019-217

Mike Kostensky moved to amend the agenda to include under Administration 2. Liquor Permit under Fiscal Officer Re-approve Lighting Districts add Solid Waste & Water meeting. Nicholas Coia second.

Mike Kostensky	- yea	Sue Fields - yea
Nicholas Coia	- yea	Motion Passed

MOTION #2019-218

Mike Kostensky moved to approve the minutes from the 8/14/19 regular meeting. Sue Fields second.

Mike Kostensky	- yea	Sue Fields - yea
Nicholas Coia	- yea	Motion Passed

MOTION #2019-219

Nicholas Coia moved to approve the minutes from the 8/15/19 emergency meeting. Sue Fields second.

Mike Kostensky	- abstain	Sue Fields - yea
Nicholas Coia	- yea	Motion Passed

MOTION #2019-220

Mike Kostensky moved to approve PO's. Sue Fields second.

Mike Kostensky	- yea	Sue Fields - yea
Nicholas Coia	- yea	Motion Passed

MOTION #2019-221

Mike Kostensky moved to approve the warrants. Sue Fields second.

Mike Kostensky	- yea	Sue Fields - yea
Nicholas Coia	- yea	Motion Passed

MOTION #2019-222

Nicholas Coia moved to approve amended agenda to include under Zoning – Public Hearing. Mike Kostensky second.

Mike Kostensky	- yea	Sue Fields - yea
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Nicholas Coia - yea

Motion Passed

Public Comments:

Donna Hale - 2057 Meloy Road – Speed issues on Meloy and Trees that obstruct view on Cline/Meloy

Cynthia Moore - 4322 Mogadore Road – Construction Traffic on Mogadore Road 5:30 AM to 8:30 PM

Dennis Copley - Saxe Road – Paving Questions buffer issue between his property and Sunoco fueling station.

Zoning:

MOTION #2019-223

Nicholas Coia moved to accept the following zoning resolution Section 309.02 (B) 21 General Commercial (GC) Zoning - Medical Marijuana Distribution. “Medical Marijuana Distribution facilities in accordance with ORC 3796 and any and all future state and federal guidelines/laws governing said facilities, AS APPROPRIATE.”

The proposed addition is the same in both districts:

“Medical Marijuana Manufacturing facilities in accordance with ORC 3796 and any and all future state and federal guidelines/laws governing said facilities, AS APPROPRIATE.” Mike Kostensky second.

Mike Kostensky - yea
Nicholas Coia - yea

Sue Fields - yea
Motion Passed

MOTION #2019-224

Mike Kostensky moved to accept the following zoning resolution Section 313.02 (B) 5 Light Industrial District (L-I) - Medical Marijuana Manufacturing. “Medical Marijuana Distribution facilities in accordance with ORC 3796 and any and all future state and federal guidelines/laws governing said facilities, AS APPROPRIATE.”

The proposed addition is the same in both districts:

“Medical Marijuana Manufacturing facilities in accordance with ORC 3796 and any and all future state and federal guidelines/laws governing said facilities, AS APPROPRIATE.” Nicholas Coia second.

Mike Kostensky - yea
Nicholas Coia - yea

Sue Fields - yea
Motion Passed

MOTION #2019-225

Mike Kostensky moved to accept the following zoning resolution Section 314.02 (B) 7 Heavy Industrial District (H-1) - Medical Marijuana Manufacturing. “Medical Marijuana Distribution facilities in accordance with ORC 3796 and any and all future state and federal guidelines/laws governing said facilities, AS APPROPRIATE.”

The proposed addition is the same in both districts:

“Medical Marijuana Manufacturing facilities in accordance with ORC 3796 and any and all future state and federal guidelines/laws governing said facilities, AS APPROPRIATE.” Nicholas Coia second.

Mike Kostensky - yea
Nicholas Coia - yea

Sue Fields - yea
Motion Passed

MOTION #2019-226

Nicholas Coia moved to approve zoning resolution amendment be effective 60 days from 8/28/19. Sue Fields second.

Temporary uses, such as fairs and other temporary sales and services, where permitted in appropriate districts, shall be permitted upon compliance with the plan requirements below:

Temporary Zoning Certificates

- A. Two site plans shall be provided to the Zoning Inspector no later than two (2) weeks in advance of activities containing the following:
 - 1. Location and use of existing buildings.
 - 2. Intended ingress and egress of traffic; width of driveways and aisles and the location of any barriers;
 - 3. Dimensions, location and width between any and all temporary buildings, signs, structures or tents on the premises;
 - 4. First aid facility;
 - 5. Litter containers;
 - 6. Location of all vendors;
 - 7. Location of the office;
 - 8. Location and identification of permanent and temporary parking facilities; and
 - 9. Location of restroom facilities.
 - 10. Signs must be in compliance with Section 700.12: Temporary/Special Event

B. The following information shall be provided on the site plan:

- 1. The name, address and telephone number of the property owner;
- 2. The name, address and telephone numbers of the chairman, manager or operator of the temporary event;
- 3. The address and township zoning of the property upon which the activities are held, and
- 4. The dates and times of operation of the activity;

C. The following permits shall be obtained prior to commencement of the activities:

- 1. A temporary zoning permit shall be required for the activity, structures, buildings, tents and signs related thereto.
- 2. Approval from Brimfield Police and Fire Chiefs must be obtained prior to zoning certificate approval.
- 3. Appropriate permits from the Portage County Combined General Health District, Portage County Auditor's Office, or other county offices, as necessary.

Mike Kostensky	- abstained	Sue Fields - yea
Nicholas Coia	- yea	Motion Passed

MOTION #2019-227

Nicholas Coia moved to accept zoning resolutions amendment 5 section 1001.00 to be effective 60 days from 8/28/19. Sue Fields second.

Temporary Place of Business:

Any public or quasi-public place including, but not limited to a hotel, rooming house, storeroom, building, part of a building, tent, vacant lot, railroad car or motor vehicle that is temporarily occupied for the purpose of making retail sales of goods to the public.

Mike Kostensky - abstained Sue Fields - yea
Nicholas Coia - yea Motion Passed

Police:

MOTION #2019-228

Nicholas Coia moved to approve the 2019-2020 school year DARE program between Brimfield Police Department and Field Local Schools. Total compensation of contract is \$2,799.00. Sue Fields second.

Mike Kostensky - yea Sue Fields - yea
Nicholas Coia - yea Motion Passed

Fire: No Action

Administration:

MOTION #2019-229

Mike Kostensky moved to request a hearing at Ohio Division of Liquor Control in Columbus to dispute Meijer gas station liquor permit #58111440465. Nicholas Coia second.

Mike Kostensky - no Sue Fields - no
Nicholas Coia - no Motion Failed

MOTION #2019-230

Nicholas Coia moved to reject Portage County Solid Waste Management proposal for recycling due to it not meeting the request of the request for proposal. Mike Kostensky second.

Mike Kostensky - yea Sue Fields - yea
Nicholas Coia - yea Motion Passed

MOTION #2019-231

Nicholas Coia moved to have a letter from Brimfield Township's attorney rejections proposal and moved to request a formal price increase explanation for the contract proposal starting in 2020. (Mark Guidetti) will send letter. Mike Kostensky second.

Mike Kostensky - yea Sue Fields - yea
Nicholas Coia - yea Motion Passed

Roads:

MOTION #2019-232

Mike Kostensky moved to approve hiring of sub-contractor S.G Masonry to repair curb and gutter and catch basin at a cost not to exceed \$44,000.00. Nicholas Coia second.

Mike Kostensky - yea Sue Fields - yea
Nicholas Coia - yea Motion Passed

Parks: No Action

Fiscal Office:

MOTION #2019-233

Mike Kostensky Moved to approve the voiding of the two years 2019 and 2020 for King's Ridge lighting district and approve the new lighting district for 2019, 2020, and 2021 at an increased rate.

And voiding the two years 2019 and 2020 for Willowbrook lighting district and approve the new lighting district for 2019, 2020 and 2021 at an increased rate.

And approve lighting districts for 2019, 2020, 2021 for Sterling Green, Hunter's Ridge, Country View Estates, Sugar Maple Hills, Portage Commons, and Whispering Woods. Please see attachment for voided lighting districts. Nicholas Coia second.

Mike Kostensky - yea
Nicholas Coia - yea

Sue Fields - yea
Motion Passed

**MOTION #2019-234 FOR EXECUTIVE SESSION
BRIMFIELD TOWNSHIP BOARD OF TRUSTEES**

This date, August 28th, 2019 Trustee Mike Kostensky moved to convene in executive session at 10:15 AM, pursuant to Ohio Revised Code Section 121.22(G), for the purpose of considering the following matters:

A check mark must be placed next to the applicable section(s):

- X (1) To consider the:
 - appointment,
 - employment,
 - dismissal,
 - discipline,
 - promotion,
 - demotion,
 - X or compensation of a public employee or official,
 - or the investigation of charges or complaints against a public employee, official, licensee, or regulated individual, unless the public employee, official, licensee, or regulated individual requests a public hearing.

Except as otherwise provided by law, no public body shall hold an executive session for the discipline of an elected official for conduct related to the performance of the elected official's official duties or for the elected official's removal from office. If a public body holds an executive session pursuant to division (G)(1) of this section, the motion and vote to hold that executive session shall state which one or more of the approved purposes listed in division (G)(1) of this section are the purposes for which the executive session is to be held, but need not include the name of any person to be considered at the meeting.

Additional Comments (if applicable) _____

- (2) To consider the purchase of property for public purposes, or for the sale of property at competitive bidding, if premature disclosure of information would give an unfair competitive or bargaining advantage to a person whose personal, private interest is adverse to the general public interest. No member of a public body shall use division (G)(2) of this section as a subterfuge for providing covert information to prospective buyers or sellers. A purchase or sale of public property is void if the seller or buyer of the public property has received covert information from a member of a public body that has not been disclosed to the general public in sufficient time for other prospective

buyers and sellers to prepare and submit offers.

If the minutes of the public body show that all meetings and deliberations of the public body have been conducted in compliance with this section, any instrument executed by the public body purporting to convey, lease, or otherwise dispose of any right, title, or interest in any public property shall be conclusively presumed to have been executed in compliance with this section insofar as title or other interest of any bona fide purchasers, lessees, or transferees of the property is concerned

Additional Comments (if applicable) _____

(3) Conferences with an attorney for the public body concerning disputes involving the public body that are the subject of pending or imminent court action.

Additional Comments (if applicable) _____

(4) Preparing for, conducting, or reviewing negotiations or bargaining sessions with public employees concerning their compensation or other terms and conditions of their employment.

Additional Comments (if applicable) _____

(5) Matters required to be kept confidential by federal law or regulations or state statutes.

Additional Comments (if applicable) _____

(6) Details relative to the security arrangements and emergency response protocols for a public body or a public office, if disclosure of the matters discussed could reasonably be expected to jeopardize the security of the public body or public office.

Additional Comments (if applicable) _____

(7) To consider confidential information related to the marketing plans, specific business strategy, production techniques, trade secrets, or personal financial statements of an applicant for economic development assistance, or to negotiations with other political subdivisions respecting requests for economic development assistance, provided that both of the following conditions apply:

(a) The information is directly related to a request for economic development assistance that is to be provided or administered under any provision of Chapter 715., 725., 1724., or 1728. or sections 701.07, 3735.67 to 3735.70, 5709.40 to 5709.43, 5709.61 to 5709.69, 5709.73 to 5709.75, or 5709.77 to 5709.81 of the Revised Code, or that involves public infrastructure improvements or the extension of utility services that are directly related to an economic development project.

(b) A unanimous quorum of the public body determines, by a roll call vote, that the executive session is necessary to protect the interests of the applicant or the possible investment or expenditure of public funds to be made in connection with the economic development project.

The motion was seconded by Trustee Nicholas Coia.

Roll Call Vote: Trustee Mike Kostensky Yes

Trustee Sue Fields

Yes

Trustee Nicholas Coia

Yes

MOTION #2019-235

Nicholas Coia moved to adjourn to executive session at 10:28 AM. Sue Fields second.

Mike Kostensky - yea
Nicholas Coia - yea

Sue Fields - yea
Motion Passed

There being no further business to come before this meeting of the Brimfield Township Board of Trustees Nicholas Coia moved at 10:29 AM to adjourn. Motion seconded by Sue Fields. Upon a roll call vote passed unanimously.

We, the Trustees of Brimfield Township, do hereby set out hands as approval of the foregoing minutes as a true and accurate record of the proceedings.

Chairman

Fiscal Officer