

BRIMFIELD TOWNSHIP ZONING COMMISSION

**BRIMFIELD TOWNSHIP ZONING COMMISSION**

**PUBLIC MEETING**

**MINUTES of October 12, 2017 at 7:00 PM**

Brimfield Town Hall Community Room – 1333 Tallmadge Road, Brimfield, Ohio 44240

**Present:** Chairman Ron Jones V.P. William Kremer Debbie Darlas  
Thomas Johnson Tom Sargent

**Alternates:** Pat Blair Seth Hahlen

**Absent:**

**Staff Present:** Wendi O’Neal, Zoning Inspector, Secretary to Board

**Public Present:** NONE

The Zoning Commission is called to order by **Chairman Ron Jones**, at 7:00 PM on **Thursday, October 12, 2017** at the Brimfield Township Town Hall.

Roll call:

**Darlas:** Here      **Johnson:** Here      **Jones:** Here      **Kremer:** Here  
**Sargent:** Here      **Blair:** Here      **Hahlen:** Here

**MOTION #2017-37**

**Debbie Darlas** makes a motion to accept the amended Agenda as presented and was seconded by **William Kremer**. Motion passes unanimously.

**MOTION #2017-38**

A motion is made by **William Kremer** to approve the September 14, 2017 Public Hearing Meeting Minutes held at 6:30 pm which was seconded by **Tom Sargent**. Motion passes unanimously.

**MOTION #2017-39**

A motion is made by **William Kremer** to table the September 14, 2017 Regular Public Meeting Minutes held at 7:00 pm which was seconded by **Tom Sargent**. Motion passes unanimously.

**PUBLIC COMMENTS:** NONE

**Ron Jones** welcomes Alternate Seth Hahlen to the Board. As welcomes Thomas Johnson as a new board member replacing Gary Rodd’s vacant term.

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**OLD BUSINESS:**

- **T-C District Amendments approved by Trustees – Legal November 8, 2017**

**Ron Jones** stated that the Trustees did pass the amendments regarding the Town Center District. **William Kremer** asked if anyone had attended the Public Hearing held by the Township Trustees.

**Debbie Darlas** stated she did not see anyone in attendance in the audience.

**Ron Jones** believed this was a good change to further make the Town Center what we believe it should look like.

**Wendi O'Neal** stated that only Chic Sprague had a comment regarding if they would wish to do more residential use that they could apply for a variance.

**Ron Jones** states that personally would not like to see more residential than the 50% as once it fills with residential the commercial end becomes even more limited, if any at all.

- **Work Session:**
  - **Chapter Four – Mini-storage setbacks**

**Wendi O'Neal** Packet Labeled Chapter Three, page 59:

Proposed application coming soon on the old Griggy farm on the ten acre parcel on the northeastern corner of SR 43 and Howe Road. Mike Rice is proposing using metal containers similarly to PODS as the structures for the mini-storage; conditionally permitted in the General Commercial District [G-C]; another proposed previously to Dick on the Helmling property on Mogadore Road (grading and buffering has been done recently).

**Discussion:**

1. Are they going to be transient PODS? People bring them for storage and then move them when they move like on a 30-day basis?
  - a. **Ron Jones:** Doesn't believe it is going to look nice at all. Has he applied for a permit? So he will submit plans and number them. Either way he's going to have to submit and probably needs a variance. Would like to see them beforehand.
  - b. **Tom Sargent:** Those businesses are a gold mine; majority are full. A lot cheaper in North Carolina, and could work a deal if you get 40 of them plus they would probably deliver them. Does he have to submit drawings? So we don't allow temporary storage PODS? Right, and one of the things we specifically talked about was these iconic-boxes or PODS. We don't know his intention, but if he is planning on pouring concrete and setting these side-by-side, you're not going to move them not talking about that. We don't, you know, that's not one of the issues that we talk about when it's sitting in someone's drive way; it's just that it is parked there and it then becomes a permanent thing if they don't move it. So if he moves in 40 of them, and I'm trying to think where they did this, over on Mogadore Road, towards Kent. I've seen this done but I've always seen like a roof put over it something that ties them all together.
  - c. **Pat Blair:** Was steel wrecker for a while, min-storage buildings are dirt-cheap to buy; to bring in a train car it's going to be expensive just to transport it. I call it sea-can, can be placed on train, boat, etc. They are about \$2,000 apiece. Used to move them with big

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fork-loader, people would stack them, build houses on them. States they better be bolted to the ground or they become a transport-hub. If they are not bolted to the ground, then it could be a transportation business. My only concern is if you 40 of these things sitting here you could load them up with anything you wanted, put them on a truck, and become a transportation-hub which is a whole different thing. Also additionally if they are not bolted down they could become a hazard in a wind storm or hurricane. Well as the Zoning Commission, as the group here, if we are looking at these laws or zoning guidelines and it's a mini-storage facility wouldn't we want it bolted to the ground? It is a seaport. Well if you stack those storage boxes 30-feet tall you would never see around the corner.

- d. **Thomas Johnson:** Will they sit on concrete or gravel? I think only for 30 days.
- e. **William Kremer:** Doesn't think it's Charles call, this is Brimfield. What's to know where this is proposed, so right out on 43 100-150 could stack them, etc.
- f. **Wendi O'Neal:** Doesn't believe that is the intention, more so using the rail-carts set in place rather than a building. States he did research stating that for Brimfield we need more than what we have currently referencing our population. He has stated that once they are brought in, they wouldn't leave the site. People are building houses and other things out of them. He will submit and concrete. Will be submitting for conditional use in G-C District, couldn't be a transport-hub because it wouldn't fit the mini/self-storage facility. That is correct temporary for construction sites, but Dick classified this as mini/self-storage to Mike Rice but to make it conditional they could not be moved all the time, once they are there, they're there. Well he did talk to Charles Corcoran Chief Building Official, Portage County, has no issue with it. Mike Rice was in the paper for turning these into hunting cabins, etc. for NFL players. He would be in violation of his permit so we are not talking about moving them. According to the Building Inspector, no they wouldn't have to be bolted down but that's structurally not our call. Believes we are getting too far ahead asks the Board to give him a chance to submit the site plan before assumptions are made.

Giving conditions for the Conditional Use Permit it references 400.10.B subsection 52, also provisions of Chapter Four B. In addition to the general requirements as specified in Section 400.10.A, every conditional use shall meet the following specific requirements as specified in Chapter 3 for that particular use and district: 1. All structures and activity areas shall be located at least one-hundred (100) feet from all property lines. As this would apply to all conditional uses. Typically, every uses setbacks go by the Zoning District and then in addition follows the specific requirements of Chapter Four for all conditional uses, therefore which is followed.

**Board:** The Board of Zoning Appeals could make the review of this provision. Board states that the 100-ft is extreme although in their review they can amend this condition.

Tom Sargent asks the process for zoning permit, wants to know if the permit is issued that day or do you have 30 days to review. Asks if this could negatively impact the towing company?

**Wendi O'Neal:** States that yes, but all conditional uses go to the BZA.

This property is right past where the Kale's Towing Company is going to be built, which could cause a domino effect. Kale's Towing is actually going to bringing the sewer to SR 43. This probably not have any sewer unless there is a building as the section on Howe Road is where the sewer stops. States that the towing company has proposed to build a \$400,000-\$500,000

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building which will be their home office. The towing company has been issued their variance but the site plan will come at a later date prior to building; majority submit a general layout to the BZA as the purchase and/or architectural drawings costs are contingent to the approval. So once approved, then the architectural drawings are submitted at the request of a zoning certificate to build.

○ **Chapter Seven – Signage 700.13**

**Wendi O’Neal:** States that the residential and non-residential districts could be cleaned up and simplified; majority of the signs that have come through the Zoning Department since I have been here only follow the monument signage requirements: page 195: total height of six (6) and 32 square feet as the maximum. Cannot recall any that were issued smaller than that in the last 3-4 years. Has an accounting company coming in and that would be #2 which states only six (6) square feet and max height of four (4) feet.

**Board:** States Police Dept. sign is a monument and it is certainly bigger than six square feet.

**Wendi O’Neal:** Exactly, why I’m bringing this up because nothing conforms to those figures. Would like to give the Board a proposal on this section of the signs chapter.

**Board:** States that all non-residential should be a common 32 sq. ft. States it doesn’t make sense especially when you look at the dimensions for the directional signs, which could also be called a monument sign depending on the use.

**Wendi O’Neal:** States that if you look at any of the variances on any pole signs, like Walmart, Lowes, etc, those are all based off of the 32 sq.ft. and height of 6-ft. as the traditional monument sign. #2 has just never been used.

**Board:** Asks if we could just strict #2.

**Wendi O’Neal:** Yes, and clean up some of the confusion on the type of sign for all the non-residential. Typically with businesses you have one monument sign, 15% of the façade followed very strictly, and possibly the directional signs that have enter here / exit only.

**Board:** Strict #2 and consider moving the one sign premise to #3 and/or one per street frontage. Only some will ever put two signs, one on each frontage for a corner lot. Whispering Woods monument sign is only on one side. Well if it’s a retail store, then all bets are off because they want as many as they can get.

**Wendi O’Neal:** Will have the revisions for review at the next meeting regarding Section 7-- .13.C for Non-residential signs.

**MOTION #2017-40**

A motion is made by **William Kremer** to delete Number 2 of Section 700.13.C (subsection 2.) on page 95 for the schedule of the sign requirements, seconded by **Tom Sargent** for discussion. Thomas Johnson stated then future numbering of that section would adjust; yes. Motion passes unanimously.

**NEW BUSINESS: Work Session:**

• **Chapter Six – Driveways**

**Background:** Per new Road Superintendent, Dave Rufener, would like to tighten the specs for residential driveways for a few reasons:

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- length of apron at street (some are three cars wide) – current minimum = 16-ft (two-cars-wide)
- Extensive length of culvert pipes for the driveway (typically installed by Township with the homeowner buying the pipe, and Township replaces driveway tear-up section with asphalt).
- Would like to require the widening to be started after the road right-of-way
- Start regulating the driveways, starting January 1, 2018 issuing permits for improvements, new driveways etc.
- Water-run off problems on the slope of the drive dispersing to neighboring properties
- Also finding that when they do improve to concrete they are concreting to the property lines when regulations state a minimum of two-feet.

**Board:** So maybe adding a drive apron width maximum of 20-ft.

**Wendi O'Neal:** Adding that this is the max width in the road right-of-way so that it is understood that after the ROW the driveway could become wider. But doesn't want to get in too deep, but more so just dependent in the ROW. So it would typically be 25-ft from most residential the centerline of the road or 30-ft from the centerline of the road on main roads.

**Board:** Wants to see how the county handles their driveways. States that many people just do it over the weekend because their requirements are extensive with engineered drawings, slopes, elevations, contractor to grade and place pipe; it's pretty expensive. So have the apron be 18-20 foot maximum up to the Township road right-of-way and then they can open it up more after that point. Clarify the apron width total for the 'flare' therefore the driveway would be 18-ft plus the flare of 2-ft. or 10-12 feet from the edge of pavement. Needs a definition of where the 20-ft would lay. Where the culvert would lay in the road, your driveway can not exceed 20-ft or add a diagram or make it simpler with the centerline of the road but the culvert placement varies dependent on street; so only 20-ft width where the culvert lies. But when buying the culvert pipe you wouldn't want to force the contractor to buy three more feet of pipe so that it sticks out of the ditches.

Bill states: the driveway cannot exceed 18-ft at either the culvert or at the road right-of-way plus a diagram for clarification. Run that verbiage through Dave, plus Section 601.00.B.

#### **GOOD OF THE ORDER:**

- **Discussion:** Any new commercial business must have a paved driveway and lot by asphalt or concrete; the car lot moving needs to be improved with concrete or asphalt. Wendi reads Section 601.00.A Paving Requirements, 601.01 – Storm Water Runoff, says that may be 50% gravel.
- **Town Center Funding Update**
  - **Ron Jones:** Proposed for any amount of money over \$5,000 on the zoning permit fee be placed in the Town Center District fund; John no it would have to be budgeted for 2018. Referenced the Resolution passed in 2013, which placed \$100 in the account asked if it still remains in it or if it was taken out could the money be returned to the account? Didn't know if there was anything in it currently. He will follow up with the Board of Trustees to encumber an amount of money into a

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restricted account. Both go hand-in-hand with the money (Trustees/Fiscal Officer); can move it from account to account; probably has 10-20-30 accounts.

- **Wendi O'Neal:** Sue wanted it discussed at the budget meeting. Also, will have the fee income reports for the last five years for the Board to review.
- **Pat Blair:** Board in office to long, didn't know why that was John's decision; he's the bean-counter or are roles reversed. Things just seem ass-backwards that the Trustees make the rules and the Fiscal Officer does what they want to do with the money. No, he has to spend every penny he gets within the year. He makes decisions to move money into different accounts where they can't see it. He makes those decisions himself, nobody tells him to stick \$60,000 in Nancy Rodd's account as a payroll account so he can hide it. They don't tell him to stick money in these accounts so the managers see that there's money in there. He's playing the shell game with the money all year long. I understand at the end of the year he makes things work. But then he decides that well, I need money here so he'll spend the money from over here. And he doesn't have to have Trustee approval to do it.
- **Tom Sargent:** John doesn't spend the money rather paying the bills others make. He doesn't make decisions on what to buy in his position; all generated by someone else. If you're an accountant you're not buying anything you are just documenting everything.
- **Thomas Johnson:** Example: Gasoline budgeted for \$14,000 gallons at \$3.50, priced high in budget so end of year there's a surplus in that account but since it's not budgeted you can't have it; gets transferred out then. Example department goes over budget, then they can pull from general fund because of the surplus.
- **Ron Jones:** And the Trustees have to approve it.
- **Pat Blair:** Well if you vote for me you can.
- **Thomas Johnson:** But you haven't been to the meetings where they go, John do we have the money, yeah I've met with the Chief already, yeah, Okay. And it's done. So those deals are done in the back. My point what I was trying to bring forth to the Trustees was that they can't spend the zoning money before they actually get it. So what we wanted to do is kind of siphon a little bit of that before they get their check.
- **Pat Blair:** To approve the Town Center for, everybody.
- **Thomas Johnson:** So that's what the intent was on the discussion that we had. It wasn't that we get the check for this amount and we come back and say can you maybe throw us a bone? It was give us our half here. And they would still have their half to spend.
- **Wendi O'Neal:** That would be too hard to track and too much work. Because this check is over \$5,000 the remainder needs to go here, that's too much work.
- **Thomas Johnson:** And it's not like we are going to get this flux of cash, it's something that would build up over time.
- **Wendi O'Neal:** We said anything over \$8,000 the rest would go into that account, which is fair. There's not many that are over that amount.
- **Pat Blair:** And they agreed but its never budgeted for so it will never happen.
- **Wendi O'Neal:** I can run the last five years as to what the Zoning Department has taken in.

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- **Ron Jones:** All four of them are going to say forget it.
- **William Kremer:** So would it be fair to say that 20% of the zoning permit money go into the Town Center Fund or 25% of the money that we receive of zoning permits goes into the fund.
- **Wendi O'Neal:** I think you're going to have to appropriate an amount from the zoning department estimated income to that account.
- **William Kremer:** So do they have a budget for the zoning department?
- **Wendi O'Neal:** I'm assuming we will, we've never seen it because it's part of the general fund budget.
- **William Kremer:** Is there a budget line in Brimfield Township's budget that says x number of dollars we are going to get from the zoning department and we are going to do this with it.
- **Wendi O'Neal:** There will be, there is supposed to be in the budget or appropriation sheets to be sent to the auditor to get things in line for next year.
- **Debbie Darlas:** If we have a line item with a \$100 we should be able to get some money into that account.
- **Pat Blair:** I worked at a hospital, a billion dollar organization, if the managers tried the crap that goes on around here, they'd be fired.
- **Thomas Johnson:** They did mention though that the monies some of the monies out of the M&I fund, the maintenance and improvement JEDD monies.
- **Wendi O'Neal:** The JEDD Boards, the Kent, has requested to be informed and a record be kept on what the Township has or is spending that money on.
- **Pat Blair:** Opps, forgot to do that.
- **Wendi O'Neal:** Technically, Brimfield gets 40%, well 45% and take out the 5% for the M&I fund. They get 55%, they give us their 5% for the M&I. So they are giving more money, not much, but they want to know where that is going, as it was written as part of the audit of the JEDD.
- **Pat Blair:** There's no accountability in the accounting office.
- **William Kremer:** Was this person elected or appointed?
- **Pat Blair:** He was elected, but the way that politics are he was appointed.
- **Wendi O'Neal:** He was only appointed his first term, as he replaced Chic.
- **Ron Jones:** That's right because Chic had to resign because his conflict of interest.
- **Pat Blair:** Or his irregularities, is a good way to put it. So we put him on the other side of the elected official pile.
- **Thomas Johnson:** The amount of the M&I that comes out of the Tallmadge is roughly, a guess, around \$100,000 a year.
- **Wendi O'Neal:** It is a large amount in the Tallmadge JEDD.
- **Tom Sargent:** What about the Kent too?
- **Wendi O'Neal:** It's a lot less, I think the last check was \$29,000.
- **Thomas Johnson:** So \$160-170,000 a year just in M&I.
- **Wendi O'Neal:** Now the Tallmadge will request things to be done by that money, like the request for Karg Industrial Parkway paving.

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So making a request for support by the Tallmadge-JEDD Boards would be a good idea. As majority of Green Hills being in the Tallmadge-JEDD and also in the Town Center would be great opportunity to encourage development with the lighting establishment.

**Wendi O'Neal** mentions the architectural review board and by the Ohio Revised Code if there is not one, it diverts to the Zoning Inspector, because it doesn't really have to be spelled out but it should be something we are thinking about. For example, Walmart wanted to repaint their traditional colors dark grays and dark blues and I did some digging and found in the conditional use permit for the subdivision one condition stated that it had to be had to be consistent color scheme throughout the subdivision, which was agreed to prior to Walmart.

**Wendi O'Neal:** Invites the Board to come for a more in-depth presentation of Maplecrest at the BZA regularly scheduled meeting. The School Board agreed with the TIF and the Township is going to get the 5%.

**Pat Blair:** So how much are the Township residents on the hook for if this thing folds?

**Wendi O'Neal:** Not much, we are only currently taking in 10,000.

**Pat Blair:** How much do we have to pay as township residents if Meijers and Mernards say we've changed our mind, we pulled out of the deal?

**Wendi O'Neal:** The TIF isn't going to go backwards. We currently get \$10,900

**Pat Blair:** So all the utilities, all the structures, and if the bond fails who pays for it?

**Thomas Johnson:** Well we pay for it.

**Pat Blair:** Well that's what my point is.

**Wendi O'Neal:** Either way with the improvements, the 5% would still be more than the 10K than what the Township receives now.

**Ron Jones:** This Township needs to build a fire station, whether they eat this piece of land but that would be a great spot for a fire station.

**Thomas Johnson:** Trial is scheduled for 12/12/17.

**Ron Jones:** Feeling the Township is going to lose.

**Pat Blair:** They did. They gave him good faith money and said ahh, we changed our minds we want our money back. And he's saying screw you, you guys caused me loss because you tied me up for over a year and a half. They deserve to get sued.

**SET NEXT MEETING:**

Thursday, November 9, 2017 at 7:00 pm is the next set regular scheduled meeting at the Brimfield Township Town Hall; due to the Historic Society Election Day Dinner being held on the ZC regularly scheduled meeting, the Board decided to change the date of the November meeting to **Thursday, November 16, 2017 at 7:00 pm.**

**MOTION #2017-41**

A motion was made by **Bill Kremer** to adjourn the **October 11, 2017** at 8:30 PM, seconded by **Debbie Darlas**. Motion passes unanimously.

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Chairman Ron Jones

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Vice Chair William Kremer

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Debbie Darlas

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Thomas Johnson

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Tom Sargent

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Secretary Wendi O'Neal

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Alternate Patrick Blair

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Alternate