

**RECORD OF PROCEEDINGS
MEDINA TOWNSHIP
UPDATED COMPREHENSIVE PLAN
PUBLIC HEARING
FEBRUARY 26, 2015
6:15 PM**

The Medina Township Board of Trustees held a Public Hearing for the Comprehensive Plan on February 26th, 2015. Chairman DeMichael called the meeting to order at 6:16 pm with the following Trustees in attendance: Ken DeMichael, Bill Ostmann and Ray Jarrett. Also in attendance were the Fiscal Officer, Fire Chief, Police Chief Road Foreman and the general public.

Mr. DeMichael led the Pledge of Allegiance.

Public Discussion of the Updated Comprehensive Plan

Mr. DeMichael motioned to open the floor for public comment. Mr. Jarrett seconded the motion. Voting aye thereon: Mr. DeMichael, Mr. Jarrett and Mr. Ostmann.

Sandra Bilek (3414 Hamlin Road) read a four (4) page document of her comments regarding the Comprehensive Plan Update (see attached). She wanted the wording of survey question number 21 regarding Fracking to be put in the comprehensive plan verbatim. Mrs. Strogin said Mrs. Rosselli, Mackin Consultant, said it wasn't really something that the townships can deal with particularly since the Ohio Supreme Court Ruling states that the townships and cities cannot overrule the states. Mrs. Strogin also said all the definitions for PUD's and plans are all in the Zoning Book definitions and the O.R.C. Mr. DeMichael asked that the survey questions be in the comprehensive plan in their entirety.

Cynthia Szunyog (4599 Hamilton Road) responded to Mrs. Bilek's comments about her letter. Mrs. Szunyog felt that Mrs. Bilek did not think the Steering Committee had spent years working on the Comprehensive Plan. Mrs. Szunyog stated that the Trustees picked residents on both committees based on the fact that they had very different viewpoints and concerns making it a cross section of the community. There was extensive discussion and many compromises made between different viewpoints. Mrs. Szunyog also said Mrs. Bilek's statement that she had a personal interest was incorrect because her major personal interest is land preservation and nature and she doesn't understand why Mrs. Bilek took offense to that. Mrs. Szunyog asked if the conservation subdivisions and clusters were taken out. Mr. Ostmann said they were taken out of the rural residential zone. She also asked if the bike trails were taken out of the Zoning Commission's version and Mr. Ostmann said he believes they said *encourage* rather than *required* and that the Comprehensive Plan is really a guide, it is more of a suggestion and they can't require things in a Comprehensive Plan. Mrs. Szunyog said she has stated that the Comprehensive Plan is a vision not a zoning regulation that was created by the residents' survey, open house and the composition of the actual Steering Committee. She asked the cost of the Comprehensive Plan consultants and was told around \$60,000.00. She doesn't feel the plan for Trustees approval is the plan presented by the Steering Committee and feels the residents don't know what the content is. She doesn't think the Trustees should approve a plan that has been altered by the Zoning Commission. The Zoning Commission is a legal body to insure that zoning requests put before the township follow the zoning regulations. Mr. Ostmann said the cost of the first Comprehensive Plan was basically for nothing because the meetings weren't advertised and minutes weren't taken so the Trustees shut it down. Mr. Ostmann asked if there were any public meetings and he was told yes, one. He asked if there was a survey and was told no. Mr. Ostmann said the first consultant said it was not necessary but the Trustees shut it down per the Prosecutor because they would be defending us. Mr. Ostmann said there was a letter from the Prosecutor and Mrs. Szunyog asked for a copy and was told she could have one. Mrs. Szunyog said the large bulk of the work was done by the original committee and the second committee worked off that document. The new information in this version of the Comprehensive Plan was done by the current Planner and describes the current condition of the township due to all of the time that passed between the committees. Mr. DeMichael asked if Mrs. Szunyog would review the documents. Mr. Jarrett asked when the changes were made available to the township and when the meeting was.

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Matt Galla (35605 Hamilton Road) asked if the Comprehensive Plan Draft was at the Library and he was told the first draft from Mrs. Rosselli was at the library but no one ever signed it out to review it.

Gary Vene (3783 Hamilton Road) asked if the zoning revisions were tweaks to the original document and is there anything that has materially changed from what we looked at and did comments on. He didn't know there were revisions; this is the first he heard of the changes. Mr. Ostmann said PUD's or conservation developments were removed from the RR zone. Mrs. Strogin said they were put in in 1984. Medina Township was the first to have PUD's (Planned Unit Developments) a conservation development is a PUD with a higher percentage of open space. The question wasn't whether anybody wanted a conservation PUD the question was where they should be. The original document and the survey stated PUD's were not wanted in the RR Zone. The Zoning Commission took them out of the rural areas and put them back in the BI Zone. Mr. Ostmann said water and sewer was removed on the advice of Bill Thorne, Asst. County Prosecutor, previously. Mr. Thorne had advised all the communities to remove water and sewer out of any zoning area because you should be zoning on what you want in those areas and not because they have water and sewer. Mr. Ostmann said any place where there is water and sewer could be rezoned. Mr. Ostmann said Mr. Thorne had stated controlled density is a valid reason for zoning. Mr. DeMichael said we need to keep in mind, we may have all the same ideas but maybe we are going about it in different ways. He just wants to be careful and what should be important to us is the survey. He hates to see anything altered from what came back from the survey, him personally, especially when it was overwhelming in one way or another.

Cynthia Szunyog (4599 Hamilton Road) said the first change she noticed was the original wording that stated, the plan should be reviewed annually, and the Zoning Commission changed it to every ten (10) years. She feels reviewed means to have people reread it annually and it doesn't make sense that you would only want the document reread every ten (10) years instead of annually. She was unable to attend the joint meeting or she would have brought this up. Mr. DeMichael said it is his opinion that annually is too frequent and ten (10) years is not enough. Mr. DeMichael said the Trustees attended the comprehensive plan meeting in Columbus. He asked Mr. Jarrett what was said about reviewing and updating the plan. Mr. Jarrett said it was fifteen (15) years to redo it and five (5) to ten (10) years to review it. Mrs. Strogin said there is no law that says it has to be reviewed in ten (10) years or that it can be looked at in less than ten (10) years. Mr. Jarrett said if it needs to be updated..... and Mrs. Strogin said, that is if it needs to be looked at to see if it needs to be updated. Mr. DeMichael said there is a difference because it says the plan should be reviewed and that is different than saying it needs to be redone. Maybe we can review it more frequently or we can say redone every ten years. Mr. Jarrett said it is just a general guideline. Mrs. Szunyog said the wording was should not must, it is a suggestion that it be reviewed annually and that seems over the top. She also said, regarding cluster development, she doesn't think that when you ask the public if they want high density development, I don't think they are thinking of a development that allows additional open space with houses closer together, I don't think that is what the people didn't want, I think what they don't want are developments like the one behind Wal-Mart or Medina City. Mr. DeMichael said that would be his concern.

Mr. DeMichael said they have already agreed to make the change and have the questions as they were written on the survey. He would like to take Cynthia's suggestion and review the plan every five (5) years. Mr. Ostmann said when they took water and sewer out of the comprehensive plan they reviewed it and it was not a requirement, the plan can be reviewed as often as they want. Mr. DeMichael asked the Trustees if they would agree with that and Mr. Ostmann said it would be fine. Mr. Jarrett wanted to know why they were changing it from ten (10) to five (5) years and Mr. DeMichael said, originally it said annually and this is a compromise.

Susan McKiernan (3306 Old Weymouth Road) said if it took two and a half (2½) years to finalize this Plan then the five (5) year review is really going to come up every two and a half (2½) years since it takes so long to work on it. Mr. DeMichael said if this plan gets approved this year then you look at it again in five years. Mrs. McKiernan and Mrs. Szunyog asked if it could be reviewed anytime anyone would want it to be reviewed and Mr. Ostmann said yes. Mr. Jarrett said guidelines can be set that every ten (10) years it could be looked at seriously and if there are updates that need to be done then that is the time to look at the update. It can be done on a case by case basis.

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Don Kuenzer (4591 Marks Road) agreed with Mr. DeMichael that the Comprehensive Plan is interpretation. Mr. Kuenzer read from "A Guide to Planning in Ohio" created by numerous people at Cleveland State University (see attached). Mr. Jarrett asked who the principal author was and Mr. Kuenzer said it was Jennifer Evans-Cowley, PhD, AICP. Mr. Kuenzer stated that in a Conservation Development it shows the same number of house sites only there should be much more than just grass; it should be trees, high grasses and any number of things to help absorb the water. He said when we do put in sewers we run them to retention basins which run into other peoples land such as the Ken Cleveland development in Stonegate, that all runs down into the river which goes through the Bohaty land because this is the way you wanted to develop this area and he feels it is not right and the water should be kept on the site. Mr. Ostmann said that was approved by Medina County Soil and Water. Mr. Ostmann said Montville Township has done this and in ten years their population has doubled because they created smaller, cheaper lots. Mr. Kuenzer said he went to the tax office and asked what the Township gets if you have one-hundred (100) acres of land and fifty (50) acres is put in a conservation development. He was told it didn't matter they take the whole one-hundred (100) acres and divide the fifty (50) acres among the houses in there so you are paying for the land. Mr. Ostmann asked if that means that the homes in Sutton Place that are \$750,000.00 to \$1 million dollars will pay the same taxes as the home in Ken Cleveland's development and Mr. Kuenzer said no that is not what he is saying, he is saying that the cost of the land will be doubled. The assessor is looking not only at the house but at the amount of land that is there. Fifty (50) percent of that is vacant land and it will be divided in half and every housing unit will be paying for another property without a house on it. Mr. Jarrett said Mr. Kuenzer is talking about a fractional percentage. Mr. Kuenzer said this is not intensive housing even though they are closer together because you still have that land to divert the water to keep it from flooding other people's lands that will be better then what we have now. Mr. Jarrett said, just for the record, Montville Township put in conservation PUD's in almost every district and in the 2000 census they had 5,410 units and within ten (10) years they doubled it to 11,185 units. So as a result it has caused a lot of issues in that township. Mr. Ostmann says some people feel the way to control development is to have large lots. And other people believe that. Mr. Ostmann said that would probably require water and sewer to be brought in which is then going to create other issues as far as development. Mr. Kuenzer asked what is going to be done with all the storm water that is coming off that is already causing a problem and if you go under a Phase II that means it will become mandatory. Right now it isn't mandatory. Mr. Ostmann said are they going to come in and mandatorily tell us how to run our zoning and Mr. Kuenzer said no you are going to have to do something with the runoff water not how to run your zoning and that may require putting in sewers. Mr. DeMichael asked if he had a copy of the Zoning Commission changes and site specific examples of what he would like Trustees to look at. Mr. Jarrett asked Mr. Kuenzer if he is talking about storm sewers and how the storm sewer water is retained on a property and not leave the property. Mr. Kuenzer said you would have to have more property but if it is absorbed it doesn't have to be discharged. Mr. Jarrett asked if there is any development that contains their water 100%. Mr. Kuenzer said he will get that information.

Cynthia Szunyog (4599 Hamilton Road) asked Mr. Jarrett what type of problems Montville Township was having.

Robin Gray (4074 Remsen Road) said she read that Montville will have to put a levy on the ballot because they cannot maintain the roads. Mr. DeMichael said they are discussing stormwater management not roads. Mr. Kuenzer said there are fewer roads in a conservation development. Mr. Jarrett said it is a possibility that Montville may have to divert the money from one area to another area because of stormwater but we don't know.

Dianna Huffman (4025 Remsen Road) asked the Trustees to give a definition of open space. Mr. Kuenzer said the ORC includes recreation areas, ballfields, golf courses, tennis courts. Mr. Jarrett said in a conservation district the owners own the property, the Board determines how they want to either colonate themselves with that property, whether they want to do something with it or not. It can be an active or passive type of development. Mr. Ostmann said it is up to the Homeowners Association. Mr. Kuenzer said if you want a rural area, as everyone is saying, it should have trees not just grass. Mrs. Huffman said some people think that is what a rural area is, just grass. Mr. Ostmann's opinion on large lot development is that builders have a tendency to build the houses on the setback line because it is cheaper for the driveways and utilities to go back there. If you look at Lincoln Estates, all the land behind them is basically open and someone owns it.

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Mr. Ostmann said people have a tendency to use that for yard debris which becomes a civil matter for the owner and not the Township. Mr. Kuenzer said if that is what is happening we will have a problem. Mr. Ostmann said he has open space and a person moved the stakes and started cutting down trees until Mr. Ostmann told him the stakes were moved and it was not his property.

Mr. DeMichael asked Mrs. Szunyog to give her feedback on the specific things that concerned her and he asked his fellow Trustees if they would agree to continue the public hearing. Mr. Ostmann said he feels the Township needs to move on and he is prepared to vote on it tonite. Mrs. Szunyog asked if her input was no longer necessary. Mr. Ostmann said it was his opinion and he is not speaking for the other two. Mr. DeMichael feels it's important for them to be heard. Mr. Jarrett said they have had ample opportunity for all these months, he can understand the typos and the survey question not being put in in its entirety, but the conservation issue will just go on and on. Mr. DeMichael said he thought there were other issues, one was bike paths, and he doesn't feel it is ideal to try to push it through since it has only been brought to the Trustees this past hour. Mr. Jarrett asked Mr. Ostmann if he wanted to wait one additional week. Mr. Ostmann said he is ready to vote and it doesn't matter to him.

Susan McKiernan (3306 Old Weymouth Road) said she has two-hundred (200) people on the WPS mailing list and all those residents wanted to know was is Route 71 and Route 3 going to be developed and also about Bed and Breakfasts, they didn't care about anything else.

Mr. DeMichael said James Apana, Steering Committee and Zoning Commission member, had questions about the changes but he has been out of town. Mr. Jarrett feels people have had ample time to review this and he is willing to go another week for additional comments and that is all.

Jim Traynor (4004 Remsen Road) said the meetings have been open to the public and he feels what the Zoning Commission did reviewing the plan was a good thing. He feels this should be put to rest and it is time to make a decision.

Sally Gardner (3333 Foskett Road) spoke about the stormwater management and said it doesn't have to mean storm sewers. County Soil and Water has many programs where you can find out about rain barrels and water gardens to help control the water. She said Cynthia Szunyog's idea of conservation development with houses close together, in her opinion, is high density and the people who are part owners of the green space want it moved. There will always be one more person who wants to comment on the comprehensive plan and she feels it should be decided on now.

Mr. Jarrett read survey question number seven (7) that was posed to the residents asking what three (3) things would you change about the township and their responses were: traffic and congestion issues on various roads and intersections, keep township clean of litter/garbage and better zoning restrictions with control and managed growth. PUD's, whether you like them or not, increases the growth in the township. Mr. DeMichael said he thinks that is what the debate is. Mr. Kuenzer asked; if you have 18 houses in a conservation development and 18 houses in the other type of development how does that increase the housing. Mr. DeMichael said he would like to have one more meeting next week so Mr. Jarrett is the deciding vote. Mr. Jarrett said he is ready to vote.

Robin Gray (4074 Remsen Road) said our largest asset is our home. She has lived here 20 years and pays the highest property taxes in the county and this community has voiced their opinion regarding development and they don't want the Township developed.

Mr. Ostmann motioned to accept the recommendation of the Zoning Board and adopt the Comprehensive Plan the way they modified it with the exception of survey question twenty-one (21).

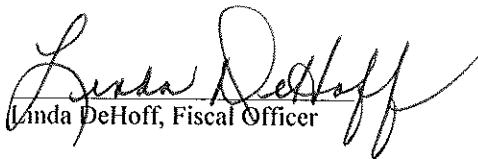
Mr. Ostmann motioned we go out of public comment. Mr. DeMichael seconded the motion. Voting aye thereon: Mr. Ostmann, Mr. DeMichael and Mr. Jarrett.

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Mr. Ostmann motioned that we accept the recommendation of the Zoning Board and adopt the Comprehensive Plan as they modified it with the exception of survey question twenty-one (21) and that we include the entire verbiage of "are you in favor of industrialized gas and oil drilling activity commonly known as slick water horizontal fracking including waste injection wells and injection wells in your community". That's my motion. Mr. DeMichael seconded the motion. Robin Gray said it also has compressor stations. Mr. Ostmann said he modified his motion to include the exact words that was on the survey that was sent to the people for the Comprehensive Plan. Mr. DeMichael seconded the motion. Mr. Jarrett said he read Mrs. Szunyog's e-mails and he doesn't feel there will be any difference two (2) weeks or two (2) months from now. He said Mrs. Szunyog, Mr. Kuenzer and the residents have the Township at heart and the Plan can be reviewed down the road. We need to move forward on this. Mr. DeMichael said he is not saying this isn't the best way to go but he knows Jim Apana wanted to be heard from, Mrs. Szunyog wasn't finished and Mr. Kuenzer had some information he was going to bring.

Roll call Vote: Mr. Ostmann aye, Mr. DeMichael No and Mr. Jarrett aye. The Plan was adopted as presented by the Zoning Commission.

Mr. Ostmann motioned to adjourn from the public hearing. Mr. DeMichael seconded the motion. Voting aye thereon: Mr. Ostmann, Mr. DeMichael and Mr. Jarrett. The Public Hearing was adjourned at 7:34 p.m.


Linda DeHoff, Fiscal Officer


Ken DeMichael, Chairman


Bill Ostmann, Vice-Chairman


Ray Jarrett, Trustee