

RECORD OF PROCEEDINGS

Minutes of **Greenfield Township Trustees** *Meeting*

August 24, 2022 - 6:00 PM

The Greenfield Township Trustees met in regular session at the firehouse. Trustee Kosch called the meeting to order and led those present in the Pledge of Allegiance. Lonnie Kosch and Dave Cotner were present. Kent Searle was absent.

After each trustee reviewed the minutes from the Trustees' Meeting held on August 1, 2022, Trustee Kosch asked if there were any changes to the minutes. Trustee Cotner made a motion to approve the minutes as written; Trustee Kosch seconded the motion.

ROLL CALL: Cotner: Yes Kosch: Yes Motion Passed 2-0

After each trustee reviewed the minutes from the Trustees' Meeting held on August 10, 2022, Trustee Kosch asked if there were any changes to the minutes. Trustee Cotner made a motion to approve the minutes as written; Trustee Kosch seconded the motion.

ROLL CALL: Cotner: Yes Kosch: Yes Motion Passed 2-0

FROM THE FISCAL OFFICER:

Trustee Cotner made a motion to pay the bills associated with warrants 34881 through 34899 and Electronic Debits 120-2022 through 129-2022 which are listed on the payment report; seconded by Trustee Kosch.

ROLL CALL: Cotner: Yes Kosch: Yes Motion Passed 2-0

Trustee Kosch made a motion to approve the Purchase Orders and/or Then and Nows; Trustee Cotner seconded.

ROLL CALL: Cotner: Yes Kosch: Yes Motion Passed 2-0

Trustee Kosch moved to approve Resolution 2022 08 24 01 accepting the amounts and rates as determined by the Fairfield County Budget Commission and authorizing the necessary tax levies and certifying them with the County Auditor; Trustee Cotner seconded.

ROLL CALL: Cotner: Yes Kosch: Yes Motion Passed 2-0

Trustee Cotner made a motion to approve Resolution 2022 08 24 02 for the following transfer of funds; Trustee Kosch seconded the motion:

\$1,049.99 from fund 2191-220-314-0000 to fund 2191-220-323-0303 for medic repairs
\$200.00 from fund 2191-220-314-0000 to fund 2191-220-519-0000 for MARCS Radio fees

ROLL CALL: Cotner: Yes Kosch: Yes Motion Passed 2-0

Fiscal Officer Wyne advised that Road Supervisor Tom Shafer is well aware that part-time employees are only permitted to work up to 29 hours a week. During the week of August 7, Part-time Road/Cemetery Worker Doug Hughes worked 39.75 hours. She advised by law, she has to pay Doug those hours; however, she stated she will not be signing payroll since the policy was not followed. It was noted this was the period when Mr. Hughes was working at and would be reimbursed by Liberty Township.

Fiscal Officer Wyne stated that she received an invoice from Ben Kitchen Termite Control for termite control for the Carroll Civic Center for \$36.00. She wanted to know who is responsible

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for paying this invoice. After discussion, it was determined that she will speak with Ed about having the Village of Carroll pay the bill, since the Township paid it last year.

Fiscal Officer Wyne stated that normally the township changes the Trustees Meeting for the second Wednesday in November if it falls the night before Thanksgiving. She is proposing that the meeting be changed to Wednesday, November 30, 2022. The Board decided to table this item until the next meeting when Trustee Searle returns.

FLOOR:

The first speaker was Dawson Heimberger, 2269 Ginder Road. Mr. Heimberger stated that his name had been brought up at a June trustee meeting regarding running a business at a residential property on Election House Road. He stated there is no business being conducted at this property; it is being used for storage of farm equipment and vehicles there. He confirmed he does not live on the property; however, as of the end of the month, the house was being rented. A neighbor was present and also spoke on Mr. Heimberger's behalf: John Riddle, 4095 Election House Road. He has two parcels next to Mr. Heimberger's property: 4115 and 4095. Mr. Riddle confirmed that Mr. Heimberger does not operate a business at his property, and only stores equipment there. Mr. Riddle also stated that he is glad Mr. Heimberger bought the property, as he is a good neighbor who has cleaned up the property, and has helped with drainage issues at his property. He confirmed he has not seen any business being conducted or any employees coming and going at the property.

The next speaker was Chris Heimberger, 3675 Election House Road. He noted Mr. Dawson Heimberger does the same thing he does at his property; there are several relatives and friends who go in and out as needed; and to work on things in a shop on the property.

The next speaker was Andrew Stevenson, 4615 Arrowhead Drive, a resident of Greenfield Township. He is also the president of the organization "Citizens for the Preservation of Carroll Ohio", more commonly called the CPCO. The CPCO is a 501(c)(3)(4) organization committed to the preservation of Carroll, Ohio; both the village itself, as well as the two townships of Bloom and Greenfield. It was brought to the attention of the CPCO that there was a possible zoning issue regarding B-1 business districts and the potential application for a hotel. The CPCO has reviewed the current zoning laws regarding B-1 districts and potential residential midst thereon, and he is attending to state that there are serious problems with the current zoning code as it exists, and to request modifications and changes in the near future, and other requests. Mr. Stevenson presented handouts to be reviewed.

Mr. Stevenson presented the information from the handout, noting that most of the presentation would be from the first page:

"Beginning with the section at hand which is the B-1 issue/B-1 districts, we looked initially at the stated purpose as stated - it states "it is the intent of the B1 business district to provide an area for retail businesses and limited service uses. Further it states, it is further the intent of this district to prohibit residential units, except in conjunction with businesses". The first sentence indicates that the primary purpose is retail business; that is, the selling of goods. Secondary to this is limited service operations, meaning that there is an intent to limit the nature and kind of services that can be provided - meaning that not all services are allowed, and therefore, there

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are permitted restrictions. The phrase "intent to prohibit residential units" - This is clear and unambiguous statement, meaning that there is a clear intent in the zoning code to not allow residential units in a B-1 area. The term "residential unit" is not defined in the zoning code. However, for purposes of what I'm here to state, anything that establishes a residence or residency, be it temporary or permanent, would be considered a residential unit, so that's basically the definition I'm working with. This is in part the reason that there's this restriction on no residential units in a business district - is a public safety and health issue. As residential living areas are separated from business districts for the welfare and safety of the residents, by providing for open spaces, green spaces, additional setbacks, yard requirements - all of these restrictions which are not present in the B-1 district zoning requirements. Additionally, not permitting residential units in a B-1 area is consistent with the idea that we have separate requirements for residential housing. We have the R-1, the R-2, the R-3, and then the MHR. We already have a whole set of rules to establish what you have to do if you want to build a residence, or you want to reside in an area, these are the rules that have to be followed. If you want to build a resident in Greenfield Township, you would have to comply with the residential requirements. If you want to be a resident of Greenfield Township, you also have to follow the rules and live in an area that is provided for residents. But the B-1 guidelines are not intended to take into consideration the necessities of residency and people in high traffic and density areas.

So then there's the phrase - In conjunction with business uses. I have no idea what that means. I don't know why it's in there.

First of all, it's contradictory to the first statement which says it's the intent not to have residential units - and then it says - except, you can have residential units, which makes no sense. The second problem is that I don't know what in conjunction with a business means. Does it mean that if you operate a business, you can do so out of your home? That you could build a beauty salon or a consulting business and live there? Or does it mean that you can offer residences or residency to people for a price? That is, the selling of residential units for Greenfield residential status to individuals under different terms than are required for those who comply with the requirements outlined in R-1, R-2j, R-3 or MHR.

Meaning this: If I wanted to go to my house or live in a house in an R-1 area, I have to have one and a half acres; why then can somebody else be a resident of Greenfield Township just by living in a business district, and not have to meet the same requirements everybody else did - either the R-1, R-2 or R-3 or manufactured home requirements.

The point that I'm getting to, in a very long-winded way, is that currently, if you permit residential units in a business one area, and allow people to establish residency in a business one area, those people don't have the same requirements or stringents as everybody else that lives in Greenfield Township. As a result, the state is basically violating the equal protection clause.

The laws that are set-forth are not being equally applied to everyone. And that is a violation of the equal protection clause, from our perspective. So - that is the first problem in allowing this B-1 is that it violates, in our opinion, the equal protection clause. So - to put it very specifically, permitting residential units or residency in Greenfield Township without meeting the requirements of residential zoning, is allowing one person to avail themselves to the benefits of Greenfield Township residency, under conditions that others are not afforded, so we have two separate classes of people. Government agencies cannot do that; they can't afford rights to others that other people don't have - this due process clause. For example, the other issue is that there - someone could - theoretically, stick with me for just a second, buy a tract of land in the B-1 area, and erect a series of small consulting business, in little tiny compartmental houses, that operate as a consulting business, but just so happen to let people live there. Or

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worse yet, buy a warehouse, hire employees, to do phone surveys at night, provide cots and beds and rent those out to people even though people are living in those establishments.

So - what am I asking? I am asking that Greenfield Township not continue to violate the due process clause by not allowing residential units of any kind in a B-1 district, and to address this issue by, in essence, by cleaning up the language of this purpose statement simply not permitted”.

Trustee Cotner stated that the Board is in agreement that Mr. Stevenson should meet with the Zoning Commission to get this issue addressed. Mr. Stevenson stated that he came to the Board first with his concerns in order to get them on the record, as this was the first meeting he was able to attend, and then he will meet with the Zoning Commission. He stated that what is considered a “transient hotel” which does not establish residency, which has a limit of 30 days, would not violate the due process clause. Anything beyond that would do so because it establishes a residence. There’s an issue of what the appropriate language should be under the permitted uses, rather than simply stating inns, hotels or motels, which is a phrase that is taken from the transient definition in the Ohio Revised Code. He noted transient is not necessarily a bad thing; this is typical of a Holiday Inn Express or Hampton Inn type of hotel. With an extended stay business, it gets more complex. Zoning Inspector Barbee confirmed the public hearing of the Zoning Commission to hear proposed amendments of the zoning language is set for September 6, 2022 at the Greenfield Township Firehouse. She stated the Township is awaiting an opinion from legal counsel on the residential hotel issue. She stated the referenced sections of the code - highway business and B-1 - are under review currently. She also noted the original purpose statement has been taken out, and looks completely different. There is an overhaul of the zoning code being conducted. Trustee Cotner pointed out that issues such as these come up when development is being sought and changes in the ORC and definitions come to light.

Mr. Stevenson also asked if there were plans to deal with the roads in Greenfield Estates. The Board responded that patching for the cracks is planned. Trustee Kosch stated there is also another process planned for next year.

ZONING DEPARTMENT BUSINESS: Caitlin Barbee, Zoning Inspector, presented the following items:

The Reserve at Farms Creek Property: Complaints are still being made regarding this property. Caitlin will reach out again to the owner. She had also copied the Board on the email she had sent.

5300 Brook Road: There have been multiple complaints received about mattresses and trash being left there. A letter will be sent to the owner.

4123 Election House Road: This was addressed earlier in the meeting.

3600 Havensport Road: The zoning violation paperwork has been reviewed by the prosecutor’s office and returned to the township.

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1470 Election House Road: This is the property being proposed for the residential hotel. Once the legal opinion comes back from the prosecutor's office, it will be shared with the Board as to how to proceed, and whether the Board wants to have a second opinion from private legal counsel. Caitlin noted that the acreage she calculated for the site was 13.8 acres; however, the development company had stated 25 acres. She noted the letter received by the Vorys law firm did not state an acreage amount.

1425 Coonpath Road: Caitlin has emailed the Fairfield County Land Bank to find out what the options are. Per previous emails, the Land Bank can abate one nuisance property in a township per year, and they would act as the agent for the entire process. The Health Department should be condemning the house at their September meeting. It is a long process, so there is no timeline at this time.

Updating Zoning Fees and Application: These changes can be made/updated without updating the zoning code. Discussion continued as to how the process works. It was determined that Caitlin will update the fee information and application, and present it to the Board for approval of any proposed fee schedule changes. Caitlin noted that the fee amounts would not be changing significantly, but the manner in which they are determined will be changing.

ROAD AND CEMETERY DEPARTMENT BUSINESS: Tom Shafer, Road & Cemetery Superintendent, was not in attendance. Trustee Cotner reported the Department was done with the work with Liberty Township, and they are talking about the work requested by Hocking Township. They also fixed the issue on Ginder Road regarding flooding going into his pond.

Trustee Kosch stated he was waiting for Tom to get back with him about the cemeteries looking terrible. The grass is tall and the debris has been thrown up against the headstones when they were mowed the last time. It also appeared it had been some time since the weed-whacking was done. He stated there have been several complaints. Trustee Cotner recommended that the two biggest cemeteries have the grass cut later in the week so they look better for the weekend. Discussion continued regarding complaints from residents of markers either not being in place, or they were unable to be found. Trustee Cotner stated that in one case, the marker had been covered up by ground squirrels digging up the dirt, and the grass/debris piled on top when the grass was cut; so the marker was in the correct location, but it had to be uncovered. Fiscal Officer Wyne stated she had given Tom information regarding a resident's concern of their relative's veteran marker not being in place since Memorial Day; Tom said he would look into it. Trustee Kosch stated he would speak with Tom tomorrow.

FIRE DEPARTMENT BUSINESS: Chief Brad Smith presented the following items:

Medic 562: The Medic is back in service after having two starters replaced.

Carroll Community Festival - CPR Training: Approximately 150 residents - adults and kids - had CPR training at the Festival using the CPR mannequin.

Mitigation Meeting at EMA: Chief Smith attended this meeting on behalf of the township. There will be additional meetings, plus a grant. He forwarded the email with information and the Powerpoint presentation.

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Staffing Issues: Chief Smith and Fiscal Officer Wyne still need to meet to discuss staffing issues with the Fire Department.

Fiscal Officer Wyne asked Chief Smith to follow-up and check the mutual agreement due to some questions from the insurance company; she needs to respond to them.

Trustee Kosch asked if the Fire Department was planning on holding the Turkey Supper this year. Chief Smith stated it is being discussed, and all factors being considered, such as Covid concerns, staffing level, and cost of the meal, etc. Trustee Cotner asked what the cost of the meal is estimated to be, as there may be a way to have it taken care of/donations given.

FROM THE TRUSTEES:

Trustee Cotner made a motion to adjourn the meeting; Trustee Kosch seconded the motion.

ROLL CALL: Cotner: Yes Kosch: Yes Motion passed 2-0
Meeting adjourned at 6:47 p.m.