MEDINA COUNTY DEPARTMENT OF PLANNING SERVICES

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# MEDINA COUNTY PLANNING COMMISSION
# MEETING MINUTES
# WEDNESDAY, MARCH 1, 2023, 6:30 P.M.

**Guests:**
Red Doering, Homer Township Zoning Commission
Susan Schmidt, Schmidt Family Farm

**MCDPS Staff:**
Cheryl Heinly, Administrative Assistant
Rob Henwood, Senior Planner
Denise Testa, Director

Board President Jeff Brandon called the meeting to order at 6:37 p.m.

## I. ROLL CALL

**MCPC Members:**
Sally Albrecht
Melissa Augustine
Jeff Brandon
Cliff Calaway
Jess Hazeltine
Pat Ryan

**MCPC Alternates:**
Adam Esker (alternate for Steve Hambley)
Tom James (alternate for Aaron Harrison)
Cliff Nowak (alternate for Colleen Swedyk)

## II. MINUTES

Board President Brandon asked if there were any questions or comments on the January 4, 2023 minutes.

*Board Member Nowak moved to approve the January 4, 2023 minutes as presented. Board Member Albrecht seconded the motion. Board members Ryan and James abstained. All other members voted AYE and the motion was approved.*

## III. CORRESPONDENCE

Planning Director Testa said we received correspondence from the Court of Appeals Ninth Judicial District regarding the Viola Rose subdivision located in Liverpool Township. She said the appellant Jonathan Myers has moved for the court to stay the order of appeals. The appeal was dismissed, and the court said that a motion for stay pending appeal to this court must first be made to the trial court because the appellant could not demonstrate that the trial court has denied the request for a stay the appellant motion is denied. Ms. Testa wanted to let you know the status of the Viola Rose subdivision. Board President Brandon asked what this means in lay terms. Ms. Testa answered that it means that he's going to have to resubmit to the trial court, and she just wanted to let the Board know what we received this from the magistrate.

## IV. CONSENT CALENDAR

There were no items on Consent Calendar.

## V. OLD BUSINESS

a. **The Market at Medina Line (Menard's) Update**

Planning Director Testa updated the Board regarding the Market at Medina Line subdivision.

Ms. Testa said the Ohio Supreme Court just refused to hear the appeal from the Citizens Action Group upholding the Medina County Court of Common Pleas 2021 ruling that the Community Group did not have legal standing to file a case as noted in the Akron Beacon Journal in January. She said it is up to Menards as to what their next step would be. Unknown audience member said she did not see the meeting in time but there was an extension that was provided for Menards because of the delays with the lawsuit and she asked where that stands at this point. Planning Director Testa answered that the extension was granted but could not remember the date as it has been quite a while. Mr. Henwood asked the audience member to state her name for the record. She said her name is Susan Schmidt and said she is a resident of Granger Township and the owner of Schmidt Family Farms. Planning Director Testa said she could give her an update as to where they are in the planning process, but she did believe that the preliminary plan extension.

Ms. Schmidt said one thing she would like to speak to the Planning Commission about was regarding the Menards as she was not sure that there have been any citizens here, only township officials. She said the Menards project was represented to the citizens as a wonderful family company but that doesn't really seem to be the case. John Menards in 1997 pleaded no contest to toxic waste dumping. Ms. Schmidt alleged he was caught with toxic waste in the back of his pickup truck transporting it to dump and in 2013 the IRS ordered Menards to pay $6,000,000.00

in back taxes after he allegedly mischaracterized $20,000,000.00 in salary not dividends deducting it as business expense.

Ms. Schmidt said he has pronounced hostile organized labor and one employee described having to fire two promising management suspects because when they were in high school, they worked as baggers and unionized the supermarket. Menards has also been sued by their employees for the wages that they should have been paid but were illegally withheld. She said over the past 20 years Menards has paid $3.9 million in fines for violating environmental rules in 2011, 2006, and 2005. She felt that this is not the company that is family friendly and friendly to the environment.

She looked up ratings with the Better Business Bureau for all the Menards stores in the area. The stores in Cuyahoga Falls, Brook Park, Avon, Warren Massillon, Mentor, Ontario, Mansfield, Sandusky, Marion, Oregon, and Columbus Ohio all the ratings from the Better Business Bureau are F's. She was not involved with the with the Menards group in the beginning, and if they had competent legal counsel this would not have happened. Two of the four Supreme Court justices agreed to hear the case, but their group needed three of the four for the case on the standing to go forward. Ms. Schmidt said the only reason that was an issue was because either the group didn't have competent legal counsel or they had no legal counsel; and the Citizens Action Group was put on the suit instead of any individuals name who was a member of the group that would have allowed it to go forward without the standing issue. She asked that if the Board had any opportunity, she came just in case this was another extension to speak about this. She said over 500 Township residents signed a petition requesting that the Township disapprove the Menards, and there are some other issues regarding the whole procedure.

Ms. Schmidt said one of the reasons we were protesting to begin with is there were some serious ethical violations and there was an ethics complaint filed with the State Ethics Commission regarding the Granger Township trustees. This is now a matter of public record, normally it is not discussed, but it's a matter of public record now which is why she is mentioning it. She said that this is something that is personally benefiting Township trustees, and most of the residents are opposed. If there's anything that comes up in the future or if you can vote one way or another, please vote in favor of the residents and not the corporate powers that are imposing this upon them.

Board President Brandon thanked Ms. Schmidt for her comments and asked if there were any questions. Board Member Albrecht questioned Ms. Schmidt about how this was benefiting the Township Trustees and asked what she meant by that. Ms. Schmidt didn't have those notes with her, but she believed it was in 2006 and she would have to go back and check, but she read this from the Township meeting minutes. She said Menards originally applied to have a small parcel rezoned, and they were going be a standalone store. They went through the whole process to get a variance for the small acreage of land for the stand-alone store. When it got to the to the Township Trustees, they were told this was disapproved after it had been

approved by the zoning boards, and they told Menards that they should come back with a proposal for a planned development district that would also include another parcel of land which was owned in part by another Trustee. Board Member Hazeltine asked which trustee. Ms. Schmidt answered Teri Berry.

Ms. Schmidt said in the initial voting to create the planned development district, Ms. Berry did not begin recusing herself until very much later in the process until her conflict of interest came to light. Board President Brandon commented that if he was not mistaken at this point, the Planning Commission considers all the zoning changes, applications, staff reviews, then it comes here with recommendations from staff with recommendations back to the Township. He thought the Board does not have any say on who goes to a site beyond the zoning recommendation.

Ms. Schmidt said if a situation comes up where Menards is asking for another extension, she will request that the Board look more closely at the company. Planning Director Testa wondered if she would be interested in meeting as they are regulated by the Subdivision Regulations there are certain thresholds that have to be met and she can share those with her. Ms. Schmidt said she does have an interest, but it really should be her daughter who should be here speaking is overseas. Ms. Testa said she would be happy to share where they are in the process and where they are with the extension. She informed them that the extension is good for one year.

Ms. Schmidt said sometime in these next few months it's going to come up again. Director Testa said potentially, yes. They can be granted three, one year extensions to the Preliminary Plan and she thought it might have been number two or three. She could not remember and said they could share that staff report. Ms. Schmidt said the next step for them is to do what we can to convince Menards that it's not a good idea. Ms. Schmidt said there was no cost benefit analysis the town of Brookfield recently had to take out a bond because the tax revenue they were getting from the Menards going in there did not cover the cost of infrastructure improvements that are being required. She said it's costing the taxpayers money because the tax revenue is not high enough to cover the costs and that's going to happen to Granger Township. She said the other issue of the dark store, the lawsuits, a company like Menards, just lost the case in Michigan will come in and say if they went out of business the store that would not be the property taxes would go down and so we should lower our taxes to keep us here or the store next to us is going out of business and so this property is not worth as much so you should lower their taxes so there's this kind of strong arm tactics used by not just Menards, but also by other big box stores.

Board President Brandon thanked Ms. Schmidt for coming and speaking.

## VI. NEW BUSINESS

a. **Appointments to the Community Reinvestment Area Housing Council**

Planning Director Testa explained that the Medina County Economic Development they coordinate our community reinvestment area housing council also known as CRA as created by ORC 3735.63. She said as they can see up on the screen, they're responsible for monitoring and making recommendations of Community Reinvestment Area (CRA) real property tax exemption agreements. She explained that is helps the granting authority to ensure compliance and a strong business environment, and some of our townships with the Planning Commission is in some cases required to vote on approving a CRA member in this case Rod Knight from Liverpool township has been approved by Liverpool Township Trustees, and therefore our CRA is asking us to approve Rod as a member. Board President Brandon verified the appointment was for Liverpool Township. Ms. Testa said that was correct.

*Board Member Albrecht moved to approve Rod Knight to the CRA Housing Council. Board Member Augustine seconded the motion. All members voted AYE and the motion was approved.*

b. **Homer Township Text Amendment**, 127-2022 TA

Mr. Henwood presented the above staff report to the Commission.

**Discussion:**

Board President Brandon asked if there were any comments or questions and there were none.

Red Doering, Homer Township Zoning Commission, stated that he did not have any comments.

*Board Member Hazeltine moved to approve the staff recommendation of Approval with Modifications for the Homer Township Text Amendment. Board Member James seconded the motion. All members voted AYE and the motion was approved.*

c. **Harrisville Township Map Amendment**, 003-2023 MA

Mr. Henwood presented the above staff report to the Commission.

**Discussion:**

Board President Brandon asked if there were any comments or questions.

Board Member Nowak questioned if this was the outlet area. Mr. Henwood said it is close to the outlet mall. Mr. Nowak questioned what they were going to do with the stores. Mr. Henwood said he did not know. Planning Director Testa said if you look

at page two on the staff report under the circled section the I-2 district was recently rezoned. Mr. Henwood agreed. Ms. Testa said they are trying to make it more appealing for some kind of practical use, but she did not know what those plans are.

Board Member Ryan asked if the Dollar General store was on its own parcel. She asked if the rear portion was a landlocked parcel. Mr. Henwood answered that it is not a landlocked parcel, it is part of the bigger parcel that is directly to the south so it's a parcel that has split districts.

*Board Member James moved to approve the staff recommendation of Approval for the Harrisville Township Map Amendment. Board Member Ryan seconded the motion. All members voted AYE and the motion was approved.*

## VII. PLANNING DIRECTOR'S REPORT

Planning Director Testa reported that for the remaining of this month staff did receive a Concept Plan from Brunswick Hills on the corner of SR 303 and Marks Road so we will share with the Board in April. She said the Concept Plan meeting is March 15th and staff is still receiving comments.

For our April meeting we will be reviewing a York Township Text amendment, Liverpool Fields Replat in Liverpool Township as well as the Arborcrest Replat in Hinckley Township. She said our deadline is this Friday so we still might receive a couple more items.

Ms. Testa said for the Community Development Block Grant we did have to abandon the Lodi Fountain repair after sending many emails and receiving requests to be taken off the email lists, so we are going to reallocate those funds into the Lodi playground initiative.

Ms. Testa commented that the Cobblestone Park Pathway Phase Three construction will begin in March or April, so again this is program year 2020 which they had received an extension. She said working on the environmental reviews for the 2022 program and she said they are ahead of schedule. Ms. Testa said we are meeting with our Townships and stakeholders to launch those projects as well.

Ms. Testa said for critical infrastructure the second layer of Main Drive in Chippewa Lake the contract was awarded to Melway so that will take place before the year is out. She said that the ARPA project of the first layer paving the remaining drive of Main Drive will be completed this year and the second layer in 2024. Mr. Henwood verified that was correct. Ms. Testa said the Lodi Community Park Bridge replacement the environmental review is complete with that, and we expect a reply from the state in March which would really catapult us into the bid process. She said they are really excited about that project that's probably going to be about an $800,000.00 project, and the Village has received additional state funding.

Ms. Testa said we are wrapping up our program year 2021 CHIP (Community Housing Improvement Program), and we will apply for program year 2023 soon.

She said we have contacted and we're partnering with Medina County Economic Development and inviting NOACA to come to Medina in order to discuss and present about the climate action plan. We are waiting to hear back from NOACA.

Ms. Testa said we also are ramping up Fair Housing again and she said April is Fair Housing awareness month. We are going to plan a guest speaker in an event to create some visibility for fair housing in our county. The event is also going to launch fair housing presentations in the county which she most likely will contact some of the Board members requesting time during some of your public meetings just to give a presentation and rundown of what we offer here in the county. We are also revamping our fair housing brochures as well.

She said in addition to that the Subdivision Regulations work group will be ramping up again in March and meeting on the last Wednesday of the month so we will have that meeting and she will report out to the Board in April as to where we are with that process.

She informed the Board that she and Rob will attend the National Planning Conference in Philadelphia and the end of the month and into early April so will return on Tuesday, April 4th and we will see the Board on Wednesday, April 5th at the Planning Commission meeting.

Board President Brandon asked how many more meetings for the Subdivision Work Group were left. Ms. Testa answered that she doesn't know, and she needs to go back and see where it was left. Board President Brandon felt they got a lot done last year. Ms. Testa said there were some delays as a result of some changes in the organizational structure with the County Engineer and she thought that there are some items that needed to be discussed a little bit further, but she was hoping it goes quickly because they did accomplish a lot. Board President Brandon agreed and said some of those chapters took longer than others.

Board Member Augustine asked when the Subdivision standards (Regulations) are done will the Planning office use that as a foundation for potential education to townships for Zoning Commissions. Planning Director Testa answered that once they go through the public hearings, we invite our townships, our developers, and builders and anyone else who would like to go over some of the main points and changes that we have created. She said we can create a customized presentation.

Ms. Testa said one other thing, staff is starting to review annexations again. She said those reports are not presented to the Planning Commission. We provide a review of the facts for the Commissioners to consider when they vote on an annexation.

## VIII. PUBLIC PARTICIPATION

Red Doering asked when the zoning trainings would be starting back up. Ms. Testa answered that we do not in this point however she did purchase some workshops through the Ohio APA and they are citizen planner workshops and she purchased those for the townships. She said they would like to have some in person training we just had some other priorities come up these last few months but if you would like that information if Mr. Doering could give Ms. Testa her e-mail, she said she would send him the link as well as the password and anyone can participate in those workshops if they are interested. Mr. Doering said the in-person workshops are nice. Ms. Testa agreed and said but that is on her radar, but she appreciated him asking.

## X. OTHER BUSINESS

There were no items on Other Business.

## XI. ADJOURNMENT

*There being no further business to discuss, Chairman Brandon adjourned the meeting at 7:08 p.m.*

Jeff Brandon, President

Cheryl Heinly, Administrative Assistant