

The Rootstown Township Zoning Commission met in regular session on Tuesday May 3, 2016, at 7 p.m. at Rootstown Town Hall.

Present: Rob Swauger, Chair
Theresa Summers, Vice Chair
Steve Brown
Roger Carpenter
Stan Dannemiller

Absent: George Tishma

Also Present:
Jordan Michael, Zoning Commission Secretary
Dave McIntyre, Trustee

Audience: Pat Gintert

Chair Rob Swauger called the meeting to order at 7:05 p.m. and asked everyone to stand for the Pledge of Allegiance.

Rob introduced Dave McIntyre from the Board of Trustees. Dave spoke to the commission about the proposed JEDD (joint economic development district) contract between Rootstown and the city of Kent. He said they picked Kent over Ravenna and Tallmadge because they gave them the best deal. Ninety percent of all funds will be kept in Rootstown. The proposed JEDD area is Tallmadge Road near the town center, SR 44 from the Town Hall to the Ravenna border, and the east side of Lynn Road. This will keep the development in one area to maintain the rural characteristics of the township. Right now everything around the Town Hall is non-profit, which is not sustainable. The JEDD is an avenue to bring revenue to the township. They are expecting a \$50 million payroll within the JEDD area, most of which is NEOMED with a \$34.6 million payroll.

A JEDD board will be established with five members: one representing the city of Kent, one representing Rootstown, one owner of a business in the JEDD area, one employee in the JEDD area, and a fifth member selected by the first four members. No members can be affiliated with one another. The board will have bylaws to follow. Rob asked if the board is non-profit or for-profit. Dave said no member will be paid and they will have non-profit status. Rob asked if the board will have a federal ID number. Dave said yes. Vice Chair Theresa Summers asked if the board has to go through the trustees. Dave said they are authorized to take certain actions granted in the contract, such as land banking and applying for grants. A lot of this is verbage from the ORC (Ohio Revised Code). Rob asked if Kent will still act as economic development. Dave said yes. Kent will gain about \$100,000, but will lose \$70,000 in income tax from people who live there but work in Rootstown. Seventy percent of people who work in the JEDD area are already paying an income tax, so their paychecks will not change. Kent's income tax is 2%, and Rootstown's will be a maximum of 2%. Audience member Pat Gintert asked who would have the authority to change that. Dave said all three entities would have to change it: the city, the township, and the JEDD board. The JEDD board would recommend it to the other two. Mr. Gintert asked if residents would pay income tax if they live inside the JEDD. Dave said only if they work inside the JEDD. Residential properties would not pay.

Dave said with no other source of funding, the only way for the township or school district to get any more money is through property taxes. This is a way to help

alleviate that. 72 percent of Rootstown tax dollars go to the schools. The county gets 14 percent, and the township gets 6 or 7 percent. Mr. Gintert asked if the JEDD money goes back to the schools. Dave said some of it can. If the schools choose to move, that will allow economic development on the current school site. There is verbage in the contract to address what will happen if the schools move, within a five-year period to allow them the chance to pass a levy. This would change the allocation of revenue, giving less to the township and more to the JEDD board.

The contract states that Kent shall not annex Rootstown while a JEDD is in place. Rob asked if Kent will be able to annex after a certain time. Dave said not when they have signed a contract. Ravenna cannot annex either; that would be double taxation. The city and township would have to be contiguous anyway, which is not possible due to surrounding JEDDs that also forbid annexation. Theresa said if the schools don't move, people might ask where the money is going. Dave said there are many roads that need paved. Rootstown is the only township in the county without a road levy, which means everything is chip and seal. Salt prices are also out of control. Rob asked if the JEDD board money has to be spent within its district, but the township can use their portion wherever they feel necessary. Dave said that's correct. Dave named all of the entities that are tax-exempt within the proposed JEDD district as another reason for pursuing income tax over more property tax.

There are exemptions from the tax, including any income below the poverty level. Those who are not exempt but operating at a loss can apply to the JEDD board for a tax credit. All unencumbered funds of the JEDD board shall at no time exceed \$1.5 million, unless authorized. Theresa asked if there are checks and balances on that. Dave said it will take four out of five votes on the JEDD board to approve a project. He added that Rootstown is the only township in Ohio with a university. All others are in a city or village, both of which allow for tax collection. Mr. Gintert asked where the money goes after the \$1.5 million cap is reached. Dave said it is split between the township and Kent, but he doesn't know if it is worded correctly yet in the contract.

Stan Dannemiller asked who makes the decision on what the schools do. Dave said to accept state funds for building new schools, the voters have to approve a half-mill operating levy. The school board decides whether they move or not. Roger Carpenter asked if they can still receive JEDD money if they stay. Dave said they can, but only for education. Theresa asked if the school board is leaning one way or the other. Rob said it seems like some members are for it and others are against it.

Mr. Gintert asked what if someone works in the JEDD and has a second income somewhere else. Dave said it's only whatever they are making in the JEDD. Mr. Gintert asked whether the trustees approve the JEDD or does it go to a vote. Dave said it goes to the trustees first. If all three are for it, they can make the decision. If one says no, it has to go to a vote. There is going to be a public hearing about the JEDD soon. Theresa asked if someone can make a brochure to send to people. Dave said we are going to do something like that.

Dave suggested that the zoning commission create some kind of overlay district for the JEDD area. Rob said we also need to include this in the comprehensive land use plan. Stan explained the REDI Zone business incubator at NEOMED and Dave said he would like to see more of those businesses in Rootstown. Theresa suggested that the brochure specify where the proposed JEDD area is so that people understand better. Rob thanked Dave for coming to speak.

Rob asked for additions or corrections to last month's meeting minutes. Motion was made by Stan and seconded by Theresa to approve the April meeting minutes. The motion was passed 4-0, with Steve abstaining.

Old business:

Rob said he talked to Randy Cole, attorney for Sandy Lake, East Muzzy Lake, and Sappwood Shores. Mr. Cole said Sappwood is moving forward with surveying, East Muzzy Lake is on board and moving forward, and Sandy Lake is ahead of everyone else. Mr. Gintert said Sandy Lake has their surveys recorded without the buildings on them. Rob said once that's done we need to look at it and figure out some sort of zoning for it.

Jordan said a public hearing can be set for the accessory buildings amendment. This would change the maximum size of accessory buildings back to the original percentage of the lot size, instead of a set amount of square feet (see below). Feedback was received from Todd Peetz from Portage County Regional Planning and Chris Meduri from the Portage County Prosecutor's Office. Theresa said she can't figure out why the current maximums were recommended to begin with. Stan made a motion to send the changes to Section 310.09 C1 to a public hearing. Roger seconded the motion. The vote went as follows: Steve-yes, Stan-yes, Roger-yes, Theresa-yes, Rob-yes. The motion was passed unanimously, 5-0. Jordan said the public hearing will be held at the next meeting.

Section 310.09 C1 Existing:

The combined total square footage of all detached residential accessory buildings and structures permitted to be constructed on a parcel shall not exceed the following percentages of the parcel's overall size:

	<u>Max. Foundation</u>	<u>Height</u>
a. 0 – to ½ acre -	450 sq ft	20'
b. over ½ to 1 acre -	600 sq ft	20'
c. over 1 to 2 acres -	900 sq ft	25''
d. over 2 to 5 acres -	1,200 sq ft	25'
e. over 5 acres -	2,000 sq ft	25'

Section 310.09 C1 Proposed (shown in bold):

The combined total square footage of all detached residential accessory building and structures permitted to be constructed on parcel shall not exceed the following percentages of the parcel's overall size:

	<u>Max. Foundation</u>	<u>Height</u>
a. 0 – to ½ acre -	5%	20'
b. over ½ to 1 acre -	4.25%	20'
c. over 1 to 2 acres -	3.5%	25'
d. over 2 to 5 acres -	2.75%	25'
e. over 5 acres -	2%	25'

New business:

There was discussion on Section 480.02 regarding wind and solar systems. It specifies any windmill or wind energy system has to be certified by a structural engineer in Ohio. A windmill was just installed at the township park and it was difficult to find someone from Ohio who could certify it. Jordan said the zoning inspector suggested it be changed to a structural engineer from any state. Stan said the engineer should have to be knowledgeable about the Ohio Building Code. Dave

said a windmill might be sold in Ohio but not manufactured in Ohio. Another company from Ohio would have to put their stamp on someone else's product. Rob said the company should have an engineer licensed in Ohio. Stan suggested allowing the engineer to be registered in the state of manufacture. Rob said a lot of states follow the basic building code, including Ohio.

Stan made a motion to send the following change (shown in bold) to Section 480.02 (Wind Energy - Certification) to Portage County Regional Planning and the County Prosecutor:

The foundation, tower, and compatibility of the tower with the rotor and rotor-related equipment shall be certified in writing by a structural engineer registered in Ohio **or the state of manufacture** that they conform to good engineering practices and comply with the appropriate provisions of the Ohio Building code.

Roger seconded the motion. All were in favor and the motion was passed 5-0.

Jordan said nothing came back from the prosecutor about development phases. It may be best to propose a zoning amendment and then send it to him. Section 320.11 or 620.08 were previously suggested. Roger said there would not be any more roads built. Rob said probably no more roads, but there will be more single-family homes. We need to create something in case it were to happen. Jordan said it's not just the roads but the platting of lots. Rob said we need to look at the time allowed for each phase, and if a phase should be completed before starting the next phase. Mr. Gintert asked who controls the platting. Rob said the developer plats it themselves, going by the zoning criteria for lot size. Jordan said it goes through this board as well as the county. Stan read the requirements in Section 320 for private streets, but there is not as much for public streets. The county is approving roads whether it meets their rules or not. It was agreed that the trustees should take care of hiring an engineer to oversee roads, since there is nothing in the zoning book. Rob said they should make a motion, send it to the prosecutor and see what happens, but asked if it should be tabled for now. Theresa said she would like to table it until Mark (the zoning inspector) is here so he can propose what he is looking at. Stan seconded the motion. All were in favor.

Rob asked for a motion to adjourn. Motion was made by Roger and seconded by Theresa. All were in favor. The meeting was adjourned at 9:15 p.m.

Rob Swauger, Chair
Rootstown Township Zoning Commission