

Brookville Planning Commission
Regular Meeting
November 18, 2021

The Regular Meeting of the Brookville Planning Commission was called to order by Chairperson Henderson at 7:30 p.m. on November 18, 2021. The meeting was held in the City Council Chambers and virtually using Webex. The Pledge of Allegiance was recited. Mayor Letner; Members, Claggett, Cordes, Schreier and Sievers; City Manager Keaton, Zoning Officer Snedeker and Law Director Stephan were present. Member Dittrick and Acting Clerk Brandt were absent.

Chairperson Henderson reminded everyone the meeting is being recorded.

Roll call by Manager Keaton.

Motion by Schreier, second by Claggett to approve the Agenda as presented. All yeas, motion carried.

Motion by Claggett, second by Schreier to approve the meeting minutes of the October 21, 2021 Regular Planning Commission Meeting. All yeas, motion carried.

Zoning Officer Snedeker advised Jason Cleaves, of 12 Harshman Street, has applied for Special Use permit #SU 21-15 for a Home Occupation Permit to coat and manufacture firearms in his home. Mr. Cleaves rents the property at 12 Harshman Street, and the property owner has submitted a letter granting approval of this use. Zoning Officer Snedeker advised he also has confirmed Mr. Cleaves permit with the Bureau of Alcohol, Tobacco and Firearms (ATF).

Jason Cleaves, of 12 Harshman Street, requested approval to operate a firearms business out of his home. Mr. Cleaves advised the most common type of firearms license that the ATF grants is a Type 1 permit, which is a gun store license and allows the permit holder to purchase, sell and transfer firearms. A Type 6 license allows the manufacture of ammunition. A Type 7 license allows the manufacture of firearms and ammunition, as well authorizing the license holder to sell, purchase and transfer firearms. Mr. Cleaves advised his license is a Type 7, because it is the most versatile and opens up the most business opportunities. Mr. Cleaves advised the type of work he will be doing is Cerakoting, which is a rust proof coating that is applied to guns. He has reviewed Zoning Code 1163.03 provided by Zoning Officer Snedeker and there is not a single thing he will run afoul with regarding the zoning. Mr. Cleaves stated 95 percent of his business is conducted by mail. There will be no gun shop, no showroom and it should not add any traffic to the area. There will be no excessive noise equipment and no fumes associated with his business. His work area will occupy well below 25% of the property. He is the sole employee of the company. There will be no signage and no structural modifications to the property. Mr. Cleaves stated he has held an ATF license for well over 10 years. He and his wife just moved here from Texas, and this is his first permit through the State of Ohio, as there are different rules and regulations in different areas of the country.

Member Claggett asked if he could bring a gun directly to Mr. Cleaves home and have the rust coating applied?

Mr. Cleaves replied customers who are local from the State of Ohio can bring it directly to him.

Member Claggett stated so I can bring it directly to you, but I cannot mail it to you. I would have to take it to a gun dealer and have them mail it.

Mr. Cleaves replied that is correct. If the customer is not within the State of Ohio, the gun has to be shipped to him from someone who holds a Type 1 or Type 7 license. This is all logged into an acquisition and distribution record book.

Member Schreier asked Zoning Officer Snedeker if he has reviewed the zoning to make sure Mr. Cleaves business will comply.

Zoning Officer Snedeker confirmed he has done so. The ATF has been in contact with him, and they indicated they have issued Mr. Cleaves a license. He is in compliance.

Mr. Cleaves stated the ATF will also perform a home inspection every 24 months. Transfers of all guns are also recorded with the ATF, so that it is traceable if it is used in the commission of a crime. These records are inspected to make sure all of your inbounds reconcile with your outbounds.

Member Schreier inquired whether the other gun shop in town performs this type of work?

Zoning Officer Snedeker replied the gun shop would be a customer of Mr. Cleaves as they do not perform this type of work.

Chairperson Henderson inquired what the waste stream will be from this type of product?

Mr. Cleaves replied he uses two to four ounces for a standard gun coating. Mr. Cleaves stated the very small amount of remaining product is disposed of like paint. There is no hazardous waste.

Mayor Letner asked whether Mr. Cleaves has a Type 1, 6 or 7 license?

Mr. Cleaves replied he has a Type 7 license which allows the manufacture of firearms and ammunition, as well as sell, purchase and transfer firearms.

Mayor Letner asked whether Mr. Cleaves ever intends to sell firearms and ammunition?

Mr. Cleaves replied he can sell firearms now, but his core business is finishing.

Mayor Letner asked Mr. Cleaves if he plans to sell firearms down the road?

Mr. Cleaves replied he cannot answer five years down the road, but right now his core business is gun coating.

Member Schreier stated the Special Use Permit application states Mr. Cleaves will be operating a gun coating business, not an ammunition manufacturing business, or the sale of ammunition. Member Schreier indicated the precedent for approval has been set with the other permits issued in Brookville.

Mayor Letner asked if the others in Brookville have a Type 7 license?

Zoning Officer Snedeker replied that is correct.

Mr. Cleaves stated he has a list of Type 1, Type 6 and Type 7 dealers, who are all located within the city limits.

Motion by Claggett, second by Cordes to approve Special Use Permit #SU-2105, which grants a Home Occupation Permit to Jason Cleaves to operate a firearms coating and manufacturing business at 12 Harshman Street. All yeas, motion carried.

Mr. Cleaves commented he has called the city office numerous times for different issues since he has moved to Brookville and it has always been a pleasant experience. Mr. Cleaves stated he is appreciative of the service provided by the front office employees. Mr. Cleaves stated he and his wife enjoy living in the City of Brookville.

Law Director Stephan presented the Brookville Retail and Industrial Campus, Section Three Record Plan. This is a replat of Part Lot 2174, which is a 53.566-acre parcel located on West Campus Boulevard. This replat will establish a new city lot to be purchased by General Motors, LLC under their option with RJ Property Holdings, LLC. This subdivision record plan meets all of the requirements of the City of Brookville Subdivision Code. Law Director Stephan requested Planning Commission approve this subdivision record plan. Law Director Stephan stated the primary reason to be re-platted into a single lot is right now you have a part lot with three exceptions. That is not acceptable by Montgomery County.

Motion by Schreier, second by Claggett to approve the Brookville Retail and Industrial Campus, Section Three Record Plan. All yeas, motion carried.

Manager Keaton recognized Zoning Officer Snedeker, who is retiring from the City of Brookville next week. This is his last Planning Commission meeting. Manager Keaton stated she brought cookies in honor of his retirement. Manager Keaton advised she is changing the position currently held by Zoning Officer Snedeker and advertised for a Development Specialist, who will concentrate on community and economic development. Manager Keaton stated she is pleased to announce this position will be filled by Rod Stephan. Manager Keaton advised Rod Stephan will also remain as our Law Director. We will be looking for a Part Time Zoning Officer who will work under Rod Stephan.

Chairperson Henderson stated Zoning Officer Snedeker will be missed and said it has been a pleasure serving with him.

Zoning Officer Snedeker presented the report of Zoning Permits and Code Violations for the month of October and part of November.

Zoning Officer Snedeker stated he has always tried to make his reports short and to the point so Planning Commission members could get back home to their families or to Thursday Night Football. However, this is his last report and he asked to be excused for the length of this one. Zoning Officer Snedeker stated he accepted the job of Zoning Officer in 2005. Along with overseeing property maintenance and zoning rules and regulations, he was also handling building permits for the City at that time. The City Manager and Mayor explained to him that this was a thankless job and to be prepared. Zoning Officer Snedeker stated they were right, but at least he was prepared. In 2005, the City issued 47 residential building permits. We have not had that many since. So far this year there are 24 new residential Zoning Permits that have been issued. This is a significant increase from the past years. At the same time, he was also involved with 6 different major subdivisions that year. In 2007, Assistant City Manager Jeff Sewert left to take the job of City Manager of Lewisburg. Zoning Officer Snedeker said City Manager John Wright asked him to oversee Economic Development and Planning along with his duties as a Zoning Officer. Later that year, we were hit with a recession that devastated the housing market along with putting stress on our businesses. Timing was not good for the position. In 2008, the City of Brookville experienced the remains of Hurricane Ike. The storm knocked down trees and power lines. Most of the City was left without power for weeks. We worked with NIC and residents to restore power as fast as possible along with clearing tree branches from power lines. As the recession was easing up a bit, companies that survived in Brookville (which was all of them) found out it was more efficient to consolidated with their other locations. Zoning Officer Snedeker stated this was a word he learned to despise. The companies that left the City to consolidate were 3-M, Parker Hannifin, IMI Norgren and Provimi. Later, Payless filed for bankruptcy. As the economy started to rebuild, the City was hit with the Memorial Day tornadoes. Working with Montgomery County Building Department, the residents of Brookville started rebuilding. As of today, all but two homes in the Terrace Park area have been rebuilt. Two lots left are sold. One to a neighbor to combine it with his lot and the other to a person who wants to build a home within the next year. Again, with the economy looking to rebuild, along comes COVID. Zoning Officer Snedeker stated quite frankly, he is exhausted dealing with it just like everyone else. In the 16 years that he has been involved with Zoning and Economic Development for the City, he has been engaged with several wins. Payless/Wolverine (ODW now), Provimi, Green Tokai expansion, BP/Hardees, Hofacker Precision Machining expansion, GS&S Solutions & Services and two of his favorites- DMAX and Pak-Rite Industries. Zoning Officer Snedeker stated these are his favorites because he knows they are going to grow in the community. Zoning Officer Snedeker stated when you have time and want a good story, ask him about Project Nora. It will take at least 15 minutes to tell. Zoning Officer Snedeker stated he has witnessed the construction of two new schools and one old one being demolished. Zoning Officer Snedeker thanked Planning Commission for all their understanding and hard work in the past. Being on Planning Commission is not an easy job and you would be surprised of just how many people in this community think you get paid for this. Zoning Officer Snedeker stated Ken Claggett is the only member of Planning Commission that was here when he started. He has been through two Mayors, three City Managers, and numerous Council and Planning Members during his years here. Zoning Officer Snedeker continued, stating he started at the top with the City when economy was doing good, hit bottom, and now slowly starting to climb back up. The best memories he will cherish are working with all the Planning Commission

Members, past and present, the employees of the City, working with the Brookville Police Department, and mostly the strength of this community. Through hurricanes, tornados, and a pandemic, the citizens of Brookville continue to work to move forward. Zoning Officer Snedeker thanked his wife for her support of many years and all the conversations that started out with- you are not going to believe this. She has always supported him and has always been there for him to express some of his frustrations. Zoning Officer Snedeker stated he would like to hand over his responsibilities to Rod Stephan, who has been by his side in economic development projects along with Manager Keaton in the past. Zoning Officer Snedeker stated he has just one question for him: Any word on the Mexican Restaurant? Zoning Officer Snedeker stated and with that he bids farewell.

Chairperson Henderson and other Planning Members thanked Zoning Officer for his report, stating it was an honor to serve with him. They all wished him the best of luck.

Law Director Stephan reported the City has received a request from the owner of the property at 120 West Westbrook Road to vacate a public alley adjacent to this property. Planning Members have been provided a map of the area. This alley has been used for many years as a driveway for this property at 120 West Westbrook Rd. The north end of this alley terminates at the former high school property on Hill Street, and the south end of the alley terminates at Westbrook Road. City Council would need to pass an ordinance vacating the alley. Under Ohio law, when an alley is vacated, the alley is then divided between property owners on each side of the alley. The property owners on the east side of the alley along Hill Street have agreed to transfer their interest in the vacated alley to the property owner at 120 West Westbrook Road. The result would be that the entire 16-foot-wide alley would then be owned by the property owner at 120 West Westbrook Road, and their driveway would be part of their property rather than within the alley right of way. In terms of planning for future development of the former school property on Hill Street, it appears that this alley would not be used to provide access to the former school property on Hill Street. The entrance of this alley on to Westbrook Road is close to the intersection of Hill Street and Westbrook Road and the intersection of Terrace Park Boulevard and Westbrook Road, and having vehicles enter or exit from that access point would add additional traffic to an already high-volume traffic area. If City Council and Planning Commission support this alley vacation, the legal process to vacate the alley would be commenced.

Chairperson Henderson stated he agrees with vacating this alley.

Member Claggett inquired if the lot lines on the map are registered with Montgomery County as individual lots?

Zoning Officer Snedeker indicated that is correct.

Member Claggett stated Dr. Young's old residence is built across the lot line and inquired whether Montgomery County requires residents to combine the lots?

Zoning Officer Snedeker stated the lots would have to be re-surveyed at a cost of \$1600-\$1700. So far, the County has not required this to be done.

Law Director Stephan stated these lot splits are typical of splits that occurred in the 1960's, 70's and 80's. We are trying to move away from all these little splits.

Chairperson Henderson stated the alley vacation makes sense and asked other Planning Members if they agree?

The consensus is vacating this alley makes sense.

Law Director Stephan advised City Staff will work on the alley vacation plat and present it to City Council for formal approval.

Law Director Stephan congratulated Zoning Officer Snedeker on his retirement, stating he has done a great job over the years, and it has been a pleasure to work with him.

Planning Members congratulated Law Director Stephan on his new position.

Member Claggett inquired if we have heard from DDC Management since the rezoning was overturned by the residents?

Zoning Officer Snedeker replied he has not heard from them.

There was no New Business.

Motion by Cordes, second by Claggett to adjourn. All yeas, motion carried.


Sonja M. Keaton, City Manager


Ryan Henderson, Chairperson