

PLANNING, ZONING & BUILDING COMMISSION

CITY HALL

January 8

18

The City of Cortland Planning, Zoning & Building Commission met on Monday, January 8, 2018 at 6:30 P. M. at the City Administration Building, 400 N. High Street, Cortland, Ohio. In attendance were the following board members: Chairman Curt Moll, Vice Chairman Sally Lane, Don Bell, Donald Fatobene and Jim Bradley. Also present were Mayor Jim Woofter, Service Director Don Wittman, Law Director Patrick Wilson and the following individuals:

Patti Keller	328 Old Oak	Cortland
Trish Powers	195 Heritage	Cortland
Robert Powers	195 Heritage	Cortland
Jamie Donahue	132 Gates	Cortland
Crispin Donahue	132 Gates	Cortland
Jane Linger	293 E Main	Cortland
Rod Linger	293 E Main	Cortland
Phyllis Hake	124 Maple Dr.	Cortland
Joyce Hall	192 Grove Dr.	Cortland
Carole Wiley	134 Topaz Tr	Cortland
Jean Bolinger	333 Sawmill Dr.	Cortland
Dennis Lewis	165 E Main	Cortland
Laura Loverme	193 W Main	Cortland
Lawrence Loverme	193 W Main	Cortland
David Sena	828 Kenilworth Ave SE	Warren
David Natale	2878 Warren Meadville	Cortland
Debbie Whalen	2378 Williams	Cortland
Dan Barker	400 Cherry Hill Ln	Cortland
Sue Barker	400 Cherry Hill Ln	Cortland
Joshua Hoffman		Cortland
David Vensel	355 Rosewae Ave	Cortland
Rebecca Vensel	355 Rosewae Ave	Cortland
William Aiken	4747 Rt 5 North	Cortland
Scott Rowley	142 Turquoise Dr.	Cortland
Michael Picuri	501 Sycamore Tr.	Cortland
Lynn Burkey	613 Cedar Dr .	Cortland
Janet Burkey	613 Cedar Dr .	Cortland
James Edwards	528 Sycamore	Cortland
Kathy Fleischer	147 Topaz Tr.	Cortland
Deidre Petrosky	137 Market St.	Cortland

Curt Moll: Good evening. I'd like to call to order the Cortland Planning, Zoning & Building Commission for Public Hearing 58-17- The purpose of the hearing is to consider an amendment to the Planning and Zoning Code to allow Marijuana Dispensaries and Level II Cultivator as a Use Permitted Upon Review in certain Commercial Districts and to allow Marijuana Cultivator Level I and/or II as a Use Permitted Upon Review in the Industrial District.

Curt Moll: Before we get started, I would like to go over some guidelines. We don't have a lot of time. We are really changing the zoning ordinance in the City of Cortland, this will be voted on tonight later in the actual meeting. We have the responsibility to refer that to, if it passes, - if it doesn't pass it doesn't go anywhere. But, if it does pass, we refer that to City Council where they will review it and have a Public Hearing as well and then they will vote on it 3 times in order for it to become an actual ordinance of the city. So we are really at the beginning of a process here. I would ask that anyone who wants to speak during the public hearing come to the podium and state your name and address and in the interest of all of us attending here – we have a big crowd – keep your comments as brief as possible. If you agree with the speakers maybe I will take a show of hands as to who agrees with that person and we can get by without having to go over and over the same facts. What we are trying to do here is get a feeling for the people that

PLANNING, ZONING & BUILDING COMMISSION

CITY HALL

January 8

18

came to the meeting of what their opinions are. The commission will vote during the regular meeting and I think I need to explain a little bit about what we are trying to do. We are not approving any business activity or business entity in this meeting. What we are doing is we are limiting these business activities to specific zoning areas in the city. We do that in order to set up an environment where we can deal with requests that come to us in a logical and straightforward planned way and get public input on whether or not we want that in our community. I have the procedures here, but I am not going to go through them. Any business that comes in under review goes through a similar process where they come in and present to a group of public people, they have to submit a written request, have a public hearing where anyone can come in and talk about that and then it is the Zoning Board's responsibility to make a decision on that business. If we don't have these kinds of rules in place and don't identify the kinds of businesses that would go to various zoning districts then we can be caught with a situation that we don't know how to deal with. So that is what we are trying to do here is figure out how to deal with this particular situation. You might say well why doesn't the zoning board just make it against the rule or law to be here – we can't do that. City Council would have to do that. So we are not going to consider that kind of rule, we consider zoning rules. We are tasked with preserving the property values in the city and by prohibiting inappropriate land use and encouraging appropriate neighborhood use to the best of our ability. That is our job and we take it very seriously. We need to identify possible uses and make sure they are targeted to the best zone. So that's what we are trying to do tonight. That is the process we are going through. I think we have a couple of people from the city that want to speak. Jim, do you want to talk first? Don, I think we need a little more explanation of the rule changes from you.

Mayor Woofter: I am going to speak first. I am the one that has introduced this to the city, to the Planning, Zoning and Building Commission. I was asked a question by a pharmacist if we have any rules or regulations in the city for or against marijuana dispensaries, which are controlled by the Ohio State Pharmacy Board. All of the dispensaries are controlled by them. And the answer was no, we don't have anything on our books for that. So we probably should have something in the city that would give us a little tooth of operation so that when a business comes to us rather than just flat out saying no – we can't have this in the city – we give an opportunity to a business to come to an open public hearing that could be attended by all of you people to listen to what the business has to offer. Any type of business that is on the permitted use on review. We have several businesses that are on that list right now. Every one of these businesses listed here are a business that is only permitted upon review. What we are doing is adding those two types of businesses that have been approved by the State of Ohio to our list of permitted uses upon review. Now, what does that mean to you? That means that if a business on this list comes to the City of Cortland, to the Planning and Zoning Commission, that the first thing we would have to do is have a public hearing. It is not a carte blanche that says like the type of business, whether you have a furniture store or you have a quilting shop or you have a restaurant, that those businesses are permitted. Or you have a bookstore, they're permitted. You don't have to have a public hearing. Carte blanche, you can open that type of business providing that you follow all of the rest of the rules and ordinances in Cortland. With these types of businesses, again I will repeat, that are permitted uses on review they have to come to this board and be reviewed in a public hearing where it would give every one of our residents in the City of Cortland to come to this meeting and state whether they would be for or against it. Obviously, because of the attendance here there are a lot of pros and cons on the use of marijuana, rightfully so. So this gives us our method of operation within the city based upon our charter to follow our guidelines to at least give us an opportunity to listen to these types of businesses. So, I thank you for that and Don, do you have anything that you would like to say?

Don Wittman: I think everything has pretty much been covered by you and the Chairman.

PLANNING, ZONING & BUILDING COMMISSION

CITY HALL

January 8

18

Curt Moll: There were no other changes – wasn't there another change in here as far as the table goes with restaurant classification? It is not mentioned in the public hearing.

Don Wittman: Right. I guess as a matter of housekeeping one of the uses permitted upon review is a restaurant and as it stands now any restaurant in a Service District would require a public hearing. However, one of the other attachments in our zoning code shows that that is a carte blanche permitted use so long as it complies with all that so we were just going to correct that. I think the restaurant would be a use permitted upon review if it was going to be located in an Office District which would be a little bit closer to a residential neighborhood.

(Cell phone ringing) (laughter)

Mayor Woofter: So probably if you have cell phones right now, you might want to put those on silent so as to not interrupt either one of our public hearings.

Curt Moll: Does anybody on the board have something they want to say?

Don Wittman: I was going to follow up and read what had been prepared and provided to the members. Essentially, the Proposed Zoning Code Amendments: The City of Cortland Zoning Regulations need updated to address the creation of the Medical Marijuana industry. There are several new business opportunities that have been created through the Ohio Constitution and subsequent revision to the Ohio Revised Code and the Ohio Administrative Code. So there are now permitted businesses within the state of Ohio - Marijuana Dispensary, Cultivator and Processor. As has been alluded to, these are highly regulated businesses that are required to have a permit to operate in the State of Ohio. As it stands now, the city has no way to review those. They are not identified in the Cortland Codified Ordinances as a Permitted Use or a Use Permitted Upon Review. As such, each zoning district has a catch all "All other uses which are considered to be compatible with the aforementioned uses which also abide by Federal and State Law." Since Federal Law has not decriminalized marijuana, would therefore not comply with this provision. So this board has looked at possibly identifying these as Uses within the Cortland Ordinances in order to regulate their operation in the City. We would have the ability to exert controls to approve and deny if a request came towards the city. This gives the Planning and Zoning Board the ability to control the location, conditions and requirements for the operation of these types of business within the City of Cortland Corporation Limits. So, as it is proposed these businesses would be subject to a Use Permitted Upon Review which is a much like this public hearing, 30 day advance notice, and then the commission would determine that the use meets all required conditions reasonably necessary for the public health and general welfare, that the use is appropriately located with respect to transportation facilities, water supply, fire and police protection, waste disposal and similar services. And that the use will not violate neighborhood character nor adversely affect surrounding land uses. Once this board has a hearing and determines those uses then they would make a decision on each individual application that may be made down the road in the future. As it stands now, we don't see an influx of these businesses coming to the city but you also want to be in a position should the landscape change down the road.

Curt Moll: I think I can open it up now for anyone that wants to speak. Is there anyone who wants to speak in favor of this change to the ordinances? (Pause) Nobody is in favor. Okay. Is there anyone here who wants to speak against the changes to the ordinances? Come to the podium please and state your name and address.

Lynn Burkey: I am Lynn Burkey, Cedar Drive. I have been an addiction counselor for the last 30 years. Also I have been involved in dispensing methadone to Meridian in Youngstown. I don't think we realize what kind of security and what kind of change in the atmosphere of the community this would create. And I think if Cortland is looking at

PLANNING, ZONING & BUILDING COMMISSION

CITY HALL

January 8

18

a wholesome image of the community and it seems like we want to keep things just right for families and things I think we need to really consider just saying flatly no: Let's not get into that. Because the kind of things that I am seeing happening around the methadone clinic, I am sure will happen even more because of the recreational use and the ability to...

Curt Moll: Well this is not for recreational use. This is medical use.

Mayor Woofter: It is medical.

Lynn Burkey: But the way I read the regulations, it is medical to the people who get it but there are always the people standing outside our clinic wanting to buy whatever medical stuff they get. And I think that is the thing you need to think about. It may be medical, but it is not going to be medical. Thank you.

Curt Moll: Anyone else who would like to speak against this?

Laura Loverme: Laura Loverme, 193 W Main St. I have been a Certified Pediatric Emergency Nurse for almost 30 years. I spoke with Dr. Wang because they legalized medicinal marijuana in Colorado, He's in pediatric toxicology. He did research and the research that he is doing shows that the emergency visits for pediatric population went significantly upwards with the medicinal marijuana distribution. It was packaged to look like gummy bears and stuff like that. It was more widely available in the home so even with all of the regulations and that research is available online. My concern was I could not find a lot of research in what it actually does second hand to adolescents or to other adults. Like e-cigarettes when they came out, there wasn't a lot of research on that easier and we saw a lot of upswing in poisoning of the pediatric population drinking the little perfumes and stuff. So my concern comes with not necessarily saying that people don't deserve to have the pain control because as a nurse I have made my lifetime ministry to help people. But just to take into consideration and I understand where he is coming from with the methadone, with any kind of prescription there is always going to be abuses. To realize even with regulation I don't know if we are opening a Pandora's box with the availability to manufacture it here. Is there going to be repercussions environmentally with second hand? There is no research, so I don't know the answer to that. But I do know Dr. Wang in Colorado is doing research which is a great place to go and look. But they did find an upswing in the pediatric population as it became available.

Curt Moll: Thank you. Any other comments anyone would like to make? We have several council members here this evening. Yes, go ahead.

Dave Vensel: Dave Vensel, 355 Rosewae. I would like to ask some questions if I can address I believe Mr. Burkey's comment. Even though it is the medicinal products they can be ingested through other means besides smoking, I realize we are not talking about recreational. There is evidence they are being applied recreationally just as prescription drugs are abused which includes vaping. Some of the ? and potencies of those are greater than simply the grass product. Some of the questions that I wanted to ask was if we could survey each of you members and see why do you want to bring this into the community.

Curt Moll: We don't, necessarily. This is a procedure change. We are not going to do that.

Dave Vensel: The second question is do you favor bringing it in? Some of that is on record, it is in the minutes. Are we allowed to survey?

Don Bell: I believe we are going to have a vote later at 7:00, right?

PLANNING, ZONING & BUILDING COMMISSION

CITY HALL

January 8

18

Curt Moll: As far as do we want somebody to bring it here or not, I don't know that we know enough to answer that question at this point. We would go through a process where we would review these businesses and make that determination sometime way in the future. I don't see where contemplation at this point one way or another is going to make any big difference.

Dave Vensel: What I read from your own minutes of the December meeting and from council meeting it sounds like to me like it is hard to get a reading on if whether we are trying to rush on this or not. So my question is do we really need to act on this? From what I read in the minutes, it sounds like if we do nothing then no one can come in.

Curt Moll: I don't know if that is true or not. Patrick...

Patrick Wilson: There is no decision on that either way, no legal precedent.

Curt Moll: We are trying to get ahead of that.

Donald Fatobene: We are trying to get in front of that so if the situation comes up.

Curt Moll: We have a lot of other things in this list of Uses Permitted Upon Review which aren't here and probably never will be here and I doubt they would ever be approved here. We have them on the list so we know where to go, where they go, they have an open road to get there if they can prove their point but they haven't been very successful so far.

Dave Vensel: What was in the Planning & Zoning minutes, Patrick Wilson said right now if someone came forward the way the regulations are written they would not be permitted in the City of Cortland.

Patrick Wilson: And if we said no, they would turn around and file a lawsuit against the city and say on what basis are you prohibiting us from coming in? The only provision we have in the zoning code is a reference to laws that are permitted under state or federal law. Okay. And federal law criminalizes marijuana, but there is an amendment in the federal law called the Rohrabacher-Blumenthal amendment which prohibits the Justice Department from prosecuting anybody cultivating, processing, or growing medical marijuana. So it is possible under that scenario that if a cultivator gets a license and wants to come into the city and says you don't have any basis under federal law to prevent us from coming in here and we would lose that case.

Curt Moll: But if we have it in our zoning laws that we have a review process and we do a public hearing and there is a huge outcry from the city that says we don't want it here, then we don't have to put it here because we have that power of zoning to say that this is not good for our community.

Mayor Woolfer: And so consequently, now here's the big thing for every one of you residents that live in the city that are tax payers, would you rather have us sit here and vote no or would you rather have us turn to Patrick and have him fight this in court and cost the city money that we wouldn't need to have spent? Those are the options that we have right now so by putting it on here – Let me just real quick and I know our time is going really quick, I am going to state just one or two businesses that is on this list that probably no one in this room knows even exists on here. The very first two items on the businesses that are permitted use upon review is an adult bookstore and adult motion picture theaters. How many of those do we have in the City of Cortland? This is the list we want to add those two businesses to, so that we have some tooth as I stated in the beginning that gives us the power to say yes or no. And to listen in an open hearing to you people state your opinions. If we don't have that, you don't have that option.

PLANNING, ZONING & BUILDING COMMISSION

CITY HALL

January 8

18

Dave Vensel: I would certainly say that makes sense.

Mayor Woofter: Thank you.

Patrick Wilson: And I would suggest that if we incorporate this structure into our zoning plan and we make them come in and present to this board why they should be allowed to come in to the city and this board votes no, then any court is going to uphold this board on that decision if the structure was put into place properly which this is the first step in doing that. So this actually gives, I think, the city more control, not less.

Dave Vensel: One more question, if I may, how are public hearings announced?

Curt Moll: We announce them through a widely circulated newspaper, we put them on the internet. This one was fairly well announced on Facebook. If you are on the e-News which is a mailing we do to all of the people here in town you will get a notice there.

Mayor Woofter: We follow the procedures that every other city or township has available to them to do that, that is what we do.

Dave Vensel: What is the newspaper that we use?

Mayor Woofter: We generally use the Warren-Tribune Chronicle and then I would invite you all if you are not signed up for our city e-news you should sign up for that – through the e-news we send out information as to our agendas, public hearings, etc. for every board meeting we have in the city as well as Council. Also, on cityofcortland.org, our city website we post all of this same information on there as well. So, please do.

Patrick Wilson: One quick follow-up, if this passes tonight it moves on to Council and there will be another public hearing before Council votes – exact same issue with same format as tonight. You will be allowed to come back, even if you spoke tonight you will be able to speak then if you have other information you want to submit to Council then that opportunity would be given to you.

Curt Moll: We do have another public hearing we need to get through and then the meeting so I would like to have, unless you guys have any more comments right away, a motion to adjourn the public hearing.

Donald Fatobene made a motion to close the public hearing, seconded by **Jim Bradley**.

PLANNING, ZONING & BUILDING COMMISSION

CITY HALL

January 8

18

The City of Cortland Planning, Zoning & Building Commission met on Monday, January 8, 2018 at 6:30 P. M. at the City Administration Building, 400 N. High Street, Cortland, Ohio. In attendance were the following board members: Chairman Curt Moll, Vice Chairman Sally Lane, Don Bell, Donald Fatobene and Jim Bradley. Also present were Mayor Jim Woofter, Service Director Don Wittman, Law Director Patrick Wilson and the following individuals:

Patti Keller	328 Old Oak	Cortland
Dennis Lewis	165 E Main	Cortland
William Aiken	4747 Rt 5 North	Cortland
Scott Rowley	142 Turquoise Dr.	Cortland
Kathy Fleischer	147 Topaz Tr.	Cortland
Deidre Petrosky	137 Market St.	Cortland
Chuck Bloom	4747 Rt 5 North	Cortland
Tom Schwartz	4747 Rt 5 North	Cortland

(There may have been a few more attendees at this meeting, but only one sign up sheet was distributed and most people left after the first public hearing.)

Curt Moll: Okay. I'd like to call to order the Cortland Planning, Zoning & Building Commission Public Hearing 55-17 – The purpose of the hearing is to consider a variance request to allow an electronically variable message sign at 4747 Warren Rd NE that can be programmed with hours of service and special events – NOT scrolling or flashing messages. Do we have anyone to speak for this variance and explain what this is?

Don Wittman: They may be coming in now.

Curt Moll: Oh, they couldn't get in.

Mayor Woofter: Bob, are you here for the church? Okay, we have asked if there is anyone here to speak.

Curt Moll: We just opened the public hearing for your sign so if you would like to get up and talk. Please state your name and address and tell us what you've got.

Chuck Bloom: Chuck Bloom. We are at the church, Calvary Bible Church, 4747 just right up the road here. We are seeking to get a digital sign to put our messages and hours on instead of a sign you have to go out and change. That is why we are here.

Curt Moll: Do I have anybody who wants to talk about why we want to have this sign?

Don Wittman: Do you want to speak a little bit more about how you are going to operate the sign?

Curt Moll: Right now I don't hear any reason for a variance at all.

Chuck Bloom: We wanted to have a digital sign we didn't want the type you have to go out and change all the time. We wanted to change from inside – it is the 21st century and we just thought we would be up to par a little bit more with an updated digital sign. It looks a little nicer than the standard letters sign.

Don Wittman: But on the application it says no flashing or scrolling – text only.

Chuck Bloom: That's correct – we just want to use it to put our hours and special events. We wouldn't have it scrolling or flashing messages and stuff like that.

Curt Moll: Do you have a vendor yet?

PLANNING, ZONING & BUILDING COMMISSION

CITY HALL

January 8

18

Chuck Bloom: Pardon me?

Curt Moll: Do you have a vendor you are dealing with?

Chuck Bloom: We have one right now we are looking at – Stewart’s Signs out of Florida.

Curt Moll: Can this vendor control what is being presented on the sign?

Chuck Bloom: No. They give you the sign – whatever we program in it will be what is displayed. Basically we are just looking for hours and special events and stuff like that to put on there. It is a 32 sq. ft. sign, a 4 x 8.

Don Wittman: So you are looking at like a single message that may change daily?

Chuck Bloom: I don’t know. We would have the hours on there. Would it change daily? Not necessarily. It wouldn’t change daily. Maybe like Wednesday night for our Bible study and prayer meeting or something like that. Special event coming up, meetings, a dinner and something like that.

Jim Bradley: What we are asking is if you have a message up there and you have something on Wednesday, will that message then change to say what’s going to happen on Thursday or Friday? Is it sort of like a changing message where every 50 seconds something switches?

Chuck Bloom: You could program it to do whatever you want. I believe, what we are looking at is for – I don’t know what hours or days we would choose to change that but Sundays and Wednesday nights we are there and special events. But you could program it to change at any time as much as needed.

Don Wittman: But you envision that the message will be not changing, not using that capability - just having the hours like church service at 10:30 and it is going to say that the whole day long.

Chuck Bloom: Yeah. And Wednesday night or if there is a special event coming up we might a week ahead, a week in advance or something put that up there that this is happening.

Mayor Woofter: Just for the record, I don’t believe the church wants to have it scroll, flash or blink. You just want to be able to do electronically rather than having to go out and change letters that are falling, etc.

Chuck Bloom: Correct.

Curt Moll: Who is going to control the sign?

Chuck Bloom: Probably our church secretary.

Don Wittman: It comes down to an enforcement issue if all of a sudden it starts flashing. Not really just flashing or scrolling but changing multiple times and then there will be an issue with the brightness as well at night if that needs to be taken down.

Chuck Bloom: We have lights on the sign there now. I think I have the spec sheets I turned in with the paperwork.

PLANNING, ZONING & BUILDING COMMISSION

CITY HALL

January 8

18

Don Wittman: What we are up against is that electronic signs are expressly prohibited because of the reason that they are a distraction, they do provide some brightness and distraction to drivers. Being up there in that dark area, we just want to ensure that if it is approved and the variance is granted that we would be able to work with the church and set out the conditions. I am trying to lay that out here.

Curt Moll: What recourse would we have?

Patrick Wilson: Cite them as a zoning violation.

Curt Moll: So it would go to court.

Mayor Woofter: This is exactly why we need to update our rules.

Don Wittman: Take a church to court.

Tom Schwartz: I am Tom Schwartz and I'm working on this project with Chuck. Some of my research shows that there is a national organization that studies this kind of issue. I would like to submit this to you for you folks to look at and read. You don't need to do it tonight I guess.

Curt Moll: Well if there is a point that would change –

Mayor Woofter: Is there a point on that you would like to make to the board? Please do so.

(Multiple comments at same time but Don was asked to read the highlighted section)

Don Wittman: “For the reasons stated above, the traffic safety concerns have been largely unfounded. In decades of use and intense scrutiny, no definitive relationship between electronic signs and traffic accidents has been established. In fact, some studies have suggested that animated electronic signs may help keep the driver whose mind has begun to wander re-focused on the visual environment in and around the roadway. No studies support the notion that an electronic sign with a static display has a visual impact, from either a traffic safety or aesthetic impact, different from that of any other illuminated sign.” So I guess that lends support that a static display does not cause any hazard to drivers.

Curt Moll: And that's not really what we were talking about, so. I mean the static display wasn't, obviously they said they were going to do that but to control that and police it. If someone would come out with sign software that said this is the only thing you can do with this sign, it would not be as concerning. The other thing is, if you decide to move out of that church, who is going to get the sign and what are they going to do with it?

Unidentified: An adult bookstore and a movie theater.
(Laughter)

Curt Moll: That is a little bit of a concern and that is one of the reasons we didn't do it in the first place. Any comments from you folks? Is there anyone here to speak against the sign other than we have said up here?

Mayor Woofter: I am not going to speak against it, but I will speak for it. Just real quick. I am in favor of these type signs. I'm not in favor of the scrolling, flashing signs. Unfortunately, in the city at this point we don't have any hard fast rules that we can have in place if we allow it like this board has allowed other digital signs in place for gas stations.

PLANNING, ZONING & BUILDING COMMISSION

CITY HALL

January 8

18

Curt Moll: But they aren't really capable of what they do.

Mayor Woofter: That is true. I would rather see this type of sign that has fixed information on it any day rather than the type of sign that has the interchangeable letters that are crooked and falling off and blown in the wind. We sometimes have that problem with our own sign out front in City Hall, you know issues with that.

Unidentified: You should go with a digital one.
(Laughter)

Mayor Woofter: Absolutely.

Don Wittman: We need a benefactor.

Mayor Woofter: So anyways, that is all I want to say to this board. As the Mayor, I am in favor of this and I am in favor of looking at changing our own rules in the city for these type of signs.

Curt Moll: Well we went down a long road to try to establish that.

Mayor Woofter: That was several years ago and was a different board.

Curt Moll: That is true, but it boils down to a control issue and can you police it? How do you enforce it, that is the only thing. If there were signs that didn't do all that stuff you would be okay but you wind up with a display that looks a lot like Bazetta's township.

Chuck Bloom: How is the control of this sign any different than the control of the plastic letters?

Curt Moll: Well, I can't show a movie on plastic letter ones.

Mayor Woofter: Plastic letters don't light, they don't flash, they don't move, they don't blink. This sign has the capability of doing that so that's the issue.

Chuck Bloom: If you want someone at Calvary Bible to be responsible for what that signs says, when it says it and so forth. Aren't we responsible regardless?

Curt Moll: Yes, but the issue there would be – it is going to be hard for you to do anything there with a stationary sign or a letter sign. That is the big difference. You could get someone in there to program that to do all kinds of weird things and we don't have any control over it, we can't even police it.

Mayor Woofter: Just so you understand it is not – we don't take issue with Calvary Bible Church. It is not that.

Curt Moll: We have denied these signs for lots of different businesses.

Mayor Woofter: By allowing or disallowing this – by allowing this it opens up the door for other businesses and then who has control over that. We in the city don't really have – our regulations just say no, you can't have these kinds of signs.

Jim Bradley: I want to reiterate that too. Personally we don't have an issue with the church and I know where your location is. You don't have other businesses right around you. The reason we have to talk about it and in more of an in-depth process to get the rules in other parts of the city where we have multiple businesses very close to one

PLANNING, ZONING & BUILDING COMMISSION

CITY HALL

January 8

18

another, we have to make sure that the regulations are such that we protect everybody. So when you are going down 5 you don't have 35 signs all lit and saying something different. That is why we need to talk about it and have the right things in place and it might be a location item, too. It might be a zoning location item that could actually benefit you. I don't know. That is why it is much larger than carte blanche yes or no.

Don Wittman: I guess, Patrick, the question I would have is if this was up to the board to approve this sign, could it be a conditional use permit and should they operate it in a fashion not consistent with the variance in which it becomes flashing or scrolling could we revoke that conditional use permit?

Patrick Wilson: Yes. If the board voted on the condition being hours of service, specific events, no scrolling, no flashing within the permit based on what they are saying.

Don Wittman: That is what is in the variance.

Curt Moll: It is just that you told me I couldn't put a disconnect or a padlock –

Patrick Wilson: What Curt is alluding to is other people have violated the variance we have given them and it becomes an enforcement issue that is very difficult to pursue. So that was one of the reasons back in '05 and again in '09 we went to great lengths to put this language in here.

Curt Moll: I was on the other side of it at that point. I don't know, I am really confused about this issue.

Chuck Bloom: We kind of thought with the location and like I said,

Curt Moll: But you understand what we are saying if down here on High Street – in the main part where it is busy and you had 14 of these signs doing all kinds of weird things, they would be in competition with each other believe me and eventually somebody would lose and it would be the citizens in this community.

Mayor Woofter: If they were all flashing, scrolling doing that type of thing yes. But if they are not doing that, it is no different than what is out there right now. They're lit signs at night, they all say something different they are just not moving and that is what they are proposing to do.

Curt Moll: Okay, I think we have probably had enough of this. Can I get a motion to close the public hearing?

Donald Fatobene made a motion to close the public hearing, seconded by **Don Bell**.

PLANNING, ZONING & BUILDING COMMISSION

CITY HALL

January 8

18

The City of Cortland Planning, Zoning & Building Commission met on Monday, January 8, 2018 at 7:11 P. M. at the City Administration Building, 400 N. High Street, Cortland, Ohio. In attendance were the following board members: Chairman Curt Moll, Vice Chairman Sally Lane and Donald Fatobene. Also present were Mayor Jim Woofter, Service Director Don Wittman, Law Director Patrick Wilson and the following individuals:

Patti Keller	328 Old Oak	Cortland
Dennis Lewis	165 E Main	Cortland
William Aiken	4747 Rt 5 North	Cortland
Scott Rowley	142 Turquoise Dr.	Cortland
Kathy Fleischer	147 Topaz Tr.	Cortland
Deidre Petrosky	137 Market St.	Cortland
Chuck Bloom	4747 Rt 5 North	Cortland
Tom Schwartz	4747 Rt 5 North	Cortland

(There may have been a few more attendees at this meeting, but only one sign up sheet was distributed and most people left after the first public hearing.)

Curt Moll: I would like to call to order the regular meeting of the City of Cortland Planning, Zoning & Building Commission on Monday, January 8, 2018 at 7:11 p.m. Could I have a roll call please?

Roll Call: Jim Bradley, here; Sally Lane, here; Curt Moll, here; Don Bell, here; Donald Fatobene, here.

Curt Moll: I need a motion for approval of commission minutes for December 11, 2017 regular meeting.

Donald Fatobene made a motion to approve December 11, 2017 meeting minutes, seconded by **Don Bell**.

Curt Moll: Any discussion or corrections to the minutes? Can I have a roll call please?

Roll Call: Donald Fatobene, yes; Sally Lane, yes; Jim Bradley, yes; Curt Moll, yes; Don Bell, yes. **MOTION APPROVED.**

Curt Moll: Seeing no old business, we will go right to new business. First item of new business is **01-18 Variance Request** – The request is to allow an electronically variable message sign at 4747 Warren Rd NE that can be programmed with hours of service and specific events – NOT scrolling or flashing messages. Can I have a motion, please?

Don Bell made a motion to approve **01-18**, seconded by **Sally Lane**.

Curt Moll: Do we have any further discussion on this or comments from the board?

Donald Fatobene: So, we can look at this as written, like Patrick said, as the variance is written.

Curt Moll: It is conditional as written I think. Any other comments?

Don Bell: So would any variation of it –

Curt Moll: The biggest concerns I have is probably is what happens if this church decides to move and we don't have same controls. The sign is established by variance but it would be difficult to get second party to abide by our variance.

Don Wittman: The church would be in a position where they would have a significant investment which they would probably take that sign with them. I know they have invested quite a bit of money in that property and I don't see them going anywhere anytime soon.

PLANNING, ZONING & BUILDING COMMISSION

CITY HALL

January 8

18

Curt Moll: I don't either but it is the same what-if, what-if they get some kid in there that wants to run some different stuff.

Mayor Woofter: You are approving this business contingent ...
(Tape Flipped so missed a few moments of audio)

Patrick Wilson: ...new business comes into that location then they would have to come back to this committee and ask for approval to operate that sign in that way. Now if another church comes in, we would be hard pressed to deny it. If something else, a different use came in then I think we would be on solid ground to say no, we gave that very specific variance to a church based on their commitment that would live by the content and the scrolling and the flashing prohibition.

Curt Moll: If you can't trust the church, I don't know who you can trust.
(Laughter)

Mayor Woofter: So it gives this board some tooth to deny another business that comes in because this specific variance is being allowed for this particular operation.

Patrick Wilson: Yes, that is correct.

Curt Moll: Any other comments?

Bill Aiken: Bill Aiken. I am the pastor of the church. Could you also put into there should we ever sell this that the next church coming in would have to do the same thing that we have done?

Curt Moll: I think we already have that, really.

Bill Aiken: So you don't have to worry about somebody else coming in and misusing what you have approved.

Mayor Woofter: Pastor, I think that is what we just discussed.

Bill Aiken: If it is a flashing sign, we would lose our ability for the lighted sign.

Curt Moll: Theoretically that is true.

Bill Aiken: We would have to have a Ohio state policeman or Bazetta policeman or the sign police say you are not using your sign properly.

Several: That would be Don.
(Laughter)

Mayor Woofter: If you weren't using it as stated this evening, you would get a letter from the city. And the second letter you would get, if you didn't change anything would be a letter from our attorney. And the third letter would be from the court.

Patrick Wilson: The Mayor says that because we are in court right now with a business in town that came here and asked us for a variance. We gave it to them very specific and they opened up their business and went beyond the variance so we are now in Central District Court trying to get the judge to rule in favor of the city and have them remove the part of the sign that wasn't permitted. There is a reason we sit up here and ask all of these questions.

PLANNING, ZONING & BUILDING COMMISSION

CITY HALL

January 8

18

Mayor Woofter: And unfortunately, it costs the city money and that is our taxpayer's money and we try to be good stewards of our taxpayer's money. If we don't have to do this type of thing that Patrick was just referring to we don't want to do that or waste our time. Enough said.

Curt Moll: Any more comments? Can we have a roll call on 01-18, please?

Roll Call: Sally Lane, yes; Jim Bradley, yes; Donald Fatobene, yes; Curt Moll, yes; Don Bell, yes. **MOTION PASSED.**

Curt Moll: Now we move on to **02-18 Ground Mounted Sign** – 4747 Warren Rd NE – 32 sq. ft. – LED lighting. Could I have a motion for this please?

Donald Fatobene made a motion for approval of 02-18, seconded by Don Bell.

Curt Moll: I assume that is internally lit with LEDs – is that what that means.

Chuck Bloom: Yes.

Curt Moll: Any discussion about this?

Mayor Woofter: This is the same sign we talked about, the digital sign, I presume.

Several: Yes.

Curt Moll: Can I have a roll call?

Roll Call: Curt Moll, yes; Don Bell, yes; Sally Lane, yes; Donald Fatobene, yes; Jim Bradley, yes. **MOTION PASSED.**

Curt Moll: Finally, I need a motion for **03-18 Proposed Amendments to Planning and Zoning Code.**

Donald Fatobene made a motion for approval of 03-18, seconded by Sally Lane.

Curt Moll: Any discussion on this one beyond what we already had?

Don Wittman: I think this board realizes that this is not an endorsement of those businesses, but specifically it protects the city down the road should a business approach the city whether it be viable or not. It gives you the controls to review each individual application and give a basis for approval or denial. Which once a business has the opportunity to come before this board and is denied it is much more difficult to be overturned by a court of common pleas as opposed to an outright denial and not have anything on the books that would be subject to review by the court. They give much more deference to a board exercising their control and a basis for denial as opposed to an outright prohibition.

Curt Moll: With structure, where you can explain exactly why you did it that way.

Patrick Wilson: With this in place, they would say was this properly put in to place? This is the first step as we mentioned earlier to Mr. Vensel. This is the first step in that process. If Council votes in favor of it to support you if you vote in favor it. Don is exactly right. Literally no court is going to overturn that.

Curt Moll: I want to make sure it is recorded in the record. We did have a public hearing and we had a room full of people. They were almost universally opposed to establishing any kind of marijuana establishment in the city but I think we gleaned from that they were not necessarily opposed to the procedure involved.

Patrick Wilson: A vote tonight does not approve any such business coming into the city.

PLANNING, ZONING & BUILDING COMMISSION

CITY HALL

January 8

18

Curt Moll: I think we all understand that. I wanted to make sure I got that in the record. Any other discussion? Any comments from Council – we have almost all of City Council here. Okay, let's have a vote then.

Roll Call: **Curt Moll, yes; Donald Fatobene, yes; Sally Lane, yes; Don Bell, yes; Jim Bradley, yes. MOTION PASSED.**

Curt Moll: Is there anything else to be brought before the board this evening? Questions or comments? I would like to call for a motion to adjourn.

Don Bell made a motion to adjourn the meeting, seconded by **Donald Fatobene.**

Roll Call: **Jim Bradley, yes; Sally Lane, yes; Don Bell, yes; Donald Fatobene, yes; Curt Moll, yes. MOTION APPROVED.**

Meeting Adjourned: 7:21 pm.

Chairman

Date

Secretary