

**SAGAMORE HILLS TOWNSHIP
ZONING COMMISSION – REGULAR MEETING**

Monday, March 22, 2021 – media notified

The meeting was called to order by Dr. Koncal at 7:00 p.m.

R/C: Dr. Woodruff-present; Chasar-present; Lachina-present; Dr. Koncal-present; Witkiewicz-present.

Mr. Chasar made a motion to approve the minutes from the February 22, 2021 Regular Meeting. Seconded by Mr. Witkiewicz. R/C Vote: all in favor

Dr. Koncal said over the years this board has tried to keep our zoning resolution simple, clear and easy so the people that follow us in twenty to fifty years from now have a clear understanding of what we did and why we did it.

There seems to be some confusion regarding our oil and gas regulations and adult entertainment district. Even after six years of reviewing them with the principals here, we still have to go back in our notes to try and figure out what we did. We did things for a reason, but can't quite remember why we did them the way we did.

In regard to oil and gas regulations, Dr. Koncal recalled discussing making it subject to just the Ohio Revised Code, but for some reason we decided to leave everything in. Dr. Koncal cannot recall why.

Mr. Snell responded the board had decided to leave it in, recognizing we can't enforce these provisions, but if we ever could we would. We defer to Ohio law. Ohio has pre-empted this whole area of oil and gas. They regulate everything that relates to that and have taken all local authority away.

Dr. Koncal said leaving the oil and gas regulations in our zoning resolution has caused some confusion. To keep it simple, we could leave in Section 16 Oil and Gas Regulations and just have the statement saying subject to Ohio Revised Code 1509.

Mr. Lachina commented we could do that as well with adult entertainment.

Dr. Koncal said the state was having some difficulties with internet cafes. The state wasn't regulating them. We regulated them in our zoning resolution, but then the state came in with regulations which made our regulations unnecessary. We took out internet cafes and most adult entertainment, but still have the same problem with one section of adult entertainment.

Mr. Snell thanked Joanne for doing all the research on this.

Mr. Snell believes leaving adult entertainment in was because of him. In regard to adult entertainment, there are first amendment rights. The ability to regulate those first amendment rights run to often follow the law. We have regulations that severely limit where these can be in the township. Jeff believes we left adult entertainment in our zoning resolution because we understood the first amendment consequences of completely eliminating it.

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Ohio has created a model ordinance as it relates to sexually oriented businesses. Mr. Snell passed out copies of the ordinance to the board. It talks about a township's ability to adopt a model ordinance on sexually oriented businesses to regulate permitting, employee permits, how its done and where. This is not something for the zoning commission, but something the trustees could adopt at some point. Mr. Snell had a conversation with the trustees and they decided not to adopt it because they did not want to encourage sexually oriented businesses.

Mr. Snell believes the zoning commission left adult entertainment in because they wanted to have the ability to allow an adult oriented business to occur, but it would be severely limited where it could occur. This was left in with a purpose because there are certain rights to operate these businesses. They are legal and we cannot eliminate them completely, but can limit where they occur.

Dr. Koncal said he would like to simplify oil and gas regulations and state subject to Ohio Revised Code. Dr. Koncal asked what the board thought. Mr. Lachina agreed with that statement. Dr. Woodruff's only concern was whether they or their successors would become quickly aware if the state chose to abandon the regulations. There was a brief discussion.

Mr. Lachina made a motion to forward Jeff's statement (Oil and gas regulations shall be consistent with Section 1509 of the Ohio Revised Code and the Ohio Administrative Code) to Summit County Planning Commission for their review. Seconded by Mr. Witkiewicz.
R/C Vote: all in favor

Mr. Snell recommended to the board that they leave adult entertainment in the zoning resolution as it is. Dr. Koncal shared his concern whether future board members and attorney would understand why this was left in. Mr. Snell replied he believes they will understand. It would be pretty hard to come in and challenge it and say this is not allowed anywhere. We don't really want adult entertainment, but it is possible to have. Mr. Snell believes the township is safer leaving it alone and everyone in the future will understand why it is there. We allow these businesses, because if we didn't we would be in trouble.

Mr. Chasar asked Dr. Koncal whether he was suggesting there be a paragraph of explanation or philosophy we were using when making this decision. Mr. Snell suggested this could be put in the minutes, not in the resolution. The minutes are our history. Mr. Snell said he doesn't think the Planning Commission would allow explanations in the zoning resolution of why they made a decision. Mr. Snell suggested we put in the minutes in the interest of the first amendment we allow this to remain because it is a much more legally enforceable provision.

The board agreed to leave in adult entertainment.

Dr. Koncal asked Mr. Snell whether the log that Joanne is keeping for the board is entered into zoning commission minutes. Joanne replied that all of the changes in the log have been put in all of the minutes. Mr. Snell said it is a record and someone could request a public records request, we just don't maintain this record in the zoning book. Dr. Koncal said the chart that Joanne is keeping is actually more efficient to use than the minutes. There was a brief discussion.

Mr. Chasar suggested this log be sent to the Board of Zoning Appeals for their reference. Mr. Snell suggested that at the end or beginning of the year Joanne sends the Board of Zoning Appeals a copy of the log as an update.

Dr. Koncal read the proposed change regarding dumpsters as was discussed at the last meeting.

“Dumpsters and other trash collection receptacles shall be located behind the set-back building line, but preferably in back of the building.”

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There was no further discussion. Dr. Koncal asked for a motion to send this amendment down to Summit County Planning for their review. Mr. Chasar made the motion. Seconded by Mr. Witkiewicz. R/C Vote: all in favor.

There was a lengthy discussion about setbacks and open space in cluster zoning. No decisions were made. Discussion to continue at the April meeting.

Dr. Koncal asked whether Mr. Snell had anything he wanted to bring before the board. Mr. Snell replied no, there were just different complaints made that he planned to share with Mr. Fantozzi.

Mr. Snell said up on Olde Rt. 8 in the curve of the street there is a house where a gentleman is selling wood on the left side of the road. There are big shelves and a sign. The house is in Northfield Center, but the wood shed is in Sagamore Hills. Northfield Center attempted to have them take it down, but the gentleman said it was in Sagamore Hills and Northfield Center could not regulate it.

Another issue is Liberty Valley Church in Northfield Center. There is a sign, but Northfield Center said the sign is in Sagamore Hills off of Route 8. Mr. Snell thinks it is probably in Northfield Center.

There have been a few complaints about unkept lawns. Mr. Fantozzi is really busy. Mr. Snell said Mr. Fantozzi is working on the people that tore up the old Cannery, and the county is on them about the building permits. Mr. Fantozzi issued a condemnation order on Romaine.

Mr. Snell said a lot of complaints are coming in.

Mr. Chasar asked Mr. Snell why there were concrete structures down a hill behind the #2 ball field off Sagamore Road.

Mr. Snell replied there is a brick building there. This is the NEORS D building and this is where the sewer district takes over the sewage from the hospital out to Valley View. Everything from there on is a sewer line. When the hospital sold the property to the township, they forgot to keep an easement for their sewer line.

Mr. Lachina made a motion to adjourn at 8:44 p.m. Seconded by Mr. Witkiewicz.
R/C vote: all in favor