MEDINA COUNTY PLANNING COMMISSION
MINUTES OF MEETING
WEDNESDAY, JANUARY 8, 2020, 6:30 P.M.
PROFESSIONAL BUILDING, LOWER LEVEL CONFERENCE ROOM

Attendees / Representing (from sign-in sheet)**:**
Frank Maimone, Wadsworth Twp ZC
Chris Kalina, Hinckley Township

MCPC Members and Alternates in Attendance:

MCPC Members:
Jeff Brandon
Sally Albrecht
Eric Heffinger
Chris Day
Leslie Miller
Cliff Calaway

MCPC Alternates:
Tom James, (for Bill Hutson)
David Williams, (for Pat Geissman)

MCDPS Staff:
Cheryl Heinly, Admin Assistant
Rob Henwood, Planning Director
Sonja Pagniano, Associate Planner

Planning Director Robert Henwood called the meeting to order at 6:30 p.m. and began with the Pledge of Allegiance. Mr. Henwood asked Ms. Heinly to do the Roll Call.

I. ROLL CALL

Mr. Heffinger, Mr. Brandon, Ms. Albrecht, Mr. Calaway, Mr. Day, Ms. Miller, Mr. James, and Mr. Williams were all present at the time roll was called.

II. ELECTION OF OFFICERS

Mr. Henwood opened the floor for nominations. *Mr. Calaway moved to nominate the same slate of officers as last year, Mr. Jeff Brandon for President, Mr. David Williams for Vice President, and Mr. Buck Adams for Second Vice President*. Mr. Henwood asked if there were any other nominations. There was none. He asked if there were any additional comments or objections to the nominations on the floor. There were no objections or comments, all the nominations for the appointed positions were accepted. *Mr. Williams seconded the motion. All voted AYE and the motion passed.*

Ms. Heinly closed the floor to nominations and Mr. Brandon took over the meeting.

III. MINUTES

Mr. Brandon asked if there were any questions or comments on the December 4, 2019 minutes. There was none.

Ms. Albrecht moved to approve the December 4, 2019 minutes as presented. Mr. Day seconded the motion. All other members voted AYE and the motion was approved.

IV. CORRESPONDENCE

There was no Correspondence.

V. CONSENT CALENDAR

There were no items on the Consent Calendar.

VI. OLD BUSINESS

There were no items on Old Business.

VII. NEW BUSINESS

A. **Granger Township Text Amendment,** 109-2019 TA

Mr. Henwood presented the staff report to the Commission regarding the above captioned text amendment regarding various edits to Article IV, Sign Regulations; Add and edit definitions pertaining to signs in Article X Definitions.

Proposal: Granger Township attempted changes to their zoning resolution regarding signs in June of 2018; Department of Planning Services (DPS) [sic]. They have utilized CT Consultants to provide this proposed sign zoning text in response to the DPS staff report

prepared for the June meeting. In a letter dated December 5, 2019, Julie Carr, Granger Township Zoning Secretary, notified the DPS staff that the Granger Township Zoning Commission has proposed text amendments that are to apply to Articles IV Sign Regulations and X Definitions of the Granger Township Zoning Resolution.

Discussion:

Mr. James asked about the duration of political signs and thought recent court rulings said there was no limit for the number of days for political signs. Mr. Calaway and Ms. Miller agreed with Mr. James. Both Mr. James and Ms. Miller reiterated that this is free speech. Mr. Henwood said he could check with the Prosecutor's office and then amend the staff report.

Mr. Williams pointed out that around two years ago there was a text amendment from Sharon Township where they limited the number of days to 30 in the past. He added that the discussion got down to the same issues of free speech. Mr. Henwood said he did not recall and would have to look that up.

From Planning Services staff report, October 5, 2016:

"Section 601-4, Signs Permitted in any District without a Permit A. Political Signs: Signs promoting issues or candidates for public office shall be permitted in any district within the Township. … Such signs shall be placed no earlier than sixty (60) thirty (30) days prior to the date of election to which they relate, and such signs and all supporting materials shall be removed within ten (10) three (3) days following election. Noted sign regulations expert, Alan Weinstein of the Cleveland-Marshall College of Law recommends that communities not restrict the placement of political signs prior to an election. He also recommends that signs be removed within 10 days following an election."

Sign Regulation after Reed v. Town of Gilbert, Arizona. Alan Weinstein. Presentation made at the November 15, 2015 Cleveland Planning and Zoning Workshop, Cleveland Section of American Planning Association, Ohio Chapter. http://www.ohioplanning.org/aws/APAOH/asset_manager/get_file/116010?ver=2371

MCPC meeting, October 5, 2016:

Discussion:

David Williams mentioned for the upcoming election this would not apply, meaning the 30 days or less as he thought in some cases early voting begins 35 to 40 days before an election. He felt it was not being fair to the candidate that people could vote but not have signage in Sharon Township. He had no problem with picking up the signs after the election in a timely fashion.

Robert Henwood said he had not thought about the timeframe beforehand and said it was perhaps why Professor Weinstein suggested not having the limitation prior to an election.

Mark Kolesar thought there might be some case law in reference to the restrictions of how soon one could put up political signs but he was not certain. He said in reference to the message signs; he felt it was up to the Township as they were allowing a sign to come in and they should have the ability to figure out if it is within their regulations or not.

Mr. Henwood said in recent court precedent, the recommendation he drew from was a presentation that Professor Weinstein made last year. He said it is possible that there is more recent court precedent that could have changed. David Williams felt they were getting into a gray area, as political signs were a first amendment right.

MCPC meeting motion, October 5, 2016:

Mr. Brandon moved to approve staff recommendations of Approval with Modifications for the Sharon Township Text Amendment. Ms. Albrecht seconded the motion. Mr. Williams voted NAY. All other members voted AYE and the motion carried.

Since there was no further discussion, Mr. Brandon asked for a motion.

Mr. James moved to approve the staff's recommendation of approval with modifications, for the Granger Township Text Amendment, Articles IV and X. Ms. Miller seconded the motion. All voted AYE (for staff recommendations) and the motion was approved.

B. **Wadsworth Township Text Amendment,** 108-2019 TA

Mr. Henwood presented the staff report to the Commission for the above captioned text amendment regarding Articles II, IV, and XV.

The complete text amendment proposal includes the following:

- General Changes
  - Addition of: Revised January 2020: page 1
  - Footer revised throughout the entire text
  - Addition of and item in page 2 chart
  - Revision of Table of Contents page numbers
- Article II DEFINITIONS
  - Addition of "Freestanding Solar Panels or Solar Collectors"
  - Addition of "Solar Panels or Solar Collection Systems"
  - Addition of "Structurally Attached Solar Panel or Solar Collectors"
- Article IV USE, AREA, HEIGHT REGULATIONS
  - Section 401-4 AREA AND HEIGHT REGULATIONS: RURAL RESIDENTIAL DISTRICT
    - Revision in #1
    - #6: Additions for clarity in the table

Addition of Article XV

Discussion:

Ms. Miller stated that the solar field is "huge." Mr. Williams said that they are starting on the second one.

Frank Maimone, Wadsworth Township Zoning Commission, said the process has taken quite a while to put together and Mike Lyons asked the Township to have something set in place.

Mr. Maimone stated that the changes being requested is for both the free standing and for structures so they might leave that one alone. He commented that Allen Bernstorf would revise this as they have a public hearing on Monday the 3rd. He thanked Sonja and said they would make the changes.

Mr. Williams moved to approve the staff recommendation of Approval with Modifications for the Wadsworth Township Text Amendment, Articles II, IV, and XV. Mr. Day seconded the motion. All voted AYE (to approve staff recommendations) and the motion was approved.

C. **Hinckley Township Text Amendment,** 110-2019 TA

Ms. Pagniano the staff report to the Commission for the above captioned text amendment regarding Amend Section 4.2 Agricultural Use to clarify agricultural purposes and add building setbacks per ORC 519.2, Agritourism language is added with related definitions and effected Sub-Sections.
Amend Section 10.4 Signs Exempt from Regulations to include all signs erected and maintained pursuant to any township function.

Proposal: In a letter dated December 6, 2019, Christopher Kalina, Chair of the ZC, requested a review of several changes to the Hinckley Township Zoning Resolution.

The complete text amendment proposal includes the following:

- Amend Section 4.2 Agricultural Use to clarify agricultural purposes and add building setbacks per ORC 519.21
- Agritourism language is added with related definitions and effected Sub-Sections
- Amend Section 10.4 Signs Exempt from Regulations to include all signs erected and maintained pursuant to any township function.

Discussion:

Chris Kalina, chair of the Hinckley Township zoning commission, appreciated all the comments from the staff. He said he would be presenting it to the board at tomorrow's meeting. He was hoping that they agree with him and that they would just adopt Sonja's suggested language. He added that they would look at Brunswick Hills language as well.

Mr. James moved to approve the staff recommendation of Approval with Modifications for the Hinckley Township Text Amendment, amending Sections 4.2 and 10.4. Mr. Williams seconded the motion. All voted AYE (to approve staff recommendations) and the motion was approved.

Mr. Kalina asked for a copy of Wadsworth's solar language. Ms. Pagniano said she would get that for him.

VIII. PLANNING DIRECTOR'S REPORT

Mr. Henwood said that he had nothing to add.

IX. PUBLIC PARTICIPATION

There was no Public Participation.

X. OTHER BUSINESS

Ms. Albrecht asked about a flyer she received regarding Community Development Impact Strategy. She asked if this was something new. Ms. Pagniano explained that this is the first of the two public meetings that planning has to do for the Community Development Block Grant Program but the first meeting would go over all the funding opportunities.

She said it is also a way to get a list of what the needs are in Medina County for grant funding in certain areas.

XI. ADJOURNMENT

Mr. Williams moved to adjourn the January 8, 2020 MCPC meeting at 6:56 p.m. Ms. Albrecht seconded the motion. All voted AYE and the motion was approved.

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Jeff Brandon, President Cheryl Heinly, Admin Asst.