

**RECORD OF PROCEEDINGS
MEDINA TOWNSHIP PUBLIC HEARING
MAY 8TH, 2014**

The Medina Township Board of Trustees held a Public Hearing continuation on May 8th, 2014, regarding four (4) proposed Zoning Text Amendment Changes. Chairman Todd called the meeting to order at 6:40 pm with the following Trustees in attendance: Michael D. Todd, Ken DeMichael and Ray Jarrett. Also in attendance were Fiscal Officer Linda DeHoff, Zoning Inspector Elaine Ridgley and the general public.

Roll Call

Mr. Todd asked for a roll call of all members present. Trustees present were Mr. Todd, Mr. Jarrett and Mr. DeMichael.

Public Hearing Continuance

Mr. Todd asked Mr. DeMichael and Mr. Jarrett if they had reviewed the Prosecutors clarifications and Mr. Jarrett said he had not. Mr. Todd stated that what was said is that overall, the amendments as presented, didn't see any issue with content neutrality so no violations of the State Constitution. The opinion of the Prosecutor's Office is that the 660 foot restriction is beyond the purview of the Township's power in that that deals with advertising on the State highways and is regulated by the Ohio Department of Transportation and the Township does not have authority over that because it is governed by ODOT and it shouldn't be in the text amendment.

Clarification is needed on the definition of an inflatable itself and the term structure. The Prosecutor's Office said the proposed text amendment definition describes an inflatable as a "structure". In pertinent sections of the Ohio Revised Code the term "structure" is generally defined as a building, either occupied or unoccupied, and connotes something that is built or constructed. Under the ORC definitions, a balloon is not a "structure". Mr. Todd said it should say inflatable. Mr. Todd said with what was presented he doesn't see any major issues as far as constitutionality or legality beyond what was just stated. He asked Mr. DeMichael and Mr. Jarrett if they saw any issues.

Regarding Section 706, Mr. Todd said Ms. Calderon had concerns about her assessment of the separation of clauses to be read individually. The Prosecutor's Office's opinion is that that concern is not well taken and that it does not invalidate or make anything else illegal in the zoning code. Mr. Jarrett said it was a little confusing as to what she said. The Trustees will waive the right for attorney client privilege communication as it relates to the concerns on Section 706. Mr. Karris will be contacted regarding this.

Mr. Todd asked for public comments on any of the text amendments.

Sally Gardner (3333 Foskett Road) reiterated her concerns about safety and the distraction to drivers.

Mr. Todd said the Prosecutor's Office's opinion states as follows, that the proposed definition attempts to preclude "non-static" signs. I am not sure as to what specifically the term "non-static" alludes. Also, Section N.1 prohibits [M]ovement of all or any part of an inflatable sign is prohibited". I assume these two clauses are for the purposes of prohibiting inflatables with moving parts which may be distracting to drivers. But those clauses can just as easily be interpreted as calling for inflatables to remain at the same location once installed. Mr. Todd said what is being stated is that it could be interpreted two (2) ways, is ambiguous and needs to be shored up so we are all speaking the same language.

Alliss Stogin (3003 Hood Road) said that Mr. Karris doesn't take into consideration what the zoning really says. He takes a literal definition of structure, where in the front of our book our definitions say" for the purpose of this zoning text structure can mean... Mr. Todd asked for the zoning page. Mr. DeMichael asked if structure should be amended also. Mrs. Stogin read the definition of "structure" stating, it can mean anything constructed or erected which requires location on the ground, including billboards, decks, swimming pools, hot tubs, ponds and lakes, but not including fences or walls used as fences, driveway basketball nets, swing sets, driveways and similar items, so "structure" is not a total "structure". Mr. Todd said it is not as clear as you would want it to be and that leaves some ambiguity there and he feels it needs to be addressed because you want to put definitions in specifically to what it is. You need to refer to the Zoning Code as well as the Ohio Revised Code.

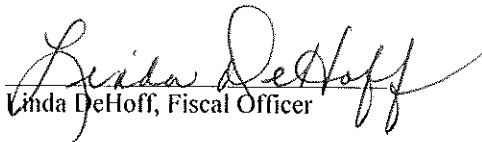
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Public Hearing Con't

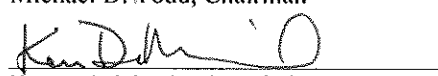
Sally Gardner (3333 Foskett Road) read a quote from an article she read stating "what's popular in business right now is this concept of disruption. For us, sometimes the best way to get people to start paying attention is a physical manifestation of disruption". Mr. Jarrett asked who wrote the article but she did not know. She said she got it off Ohio.com (see attached).


Mr. Todd said they still need clarifications regarding Ms. Calderon's concern so they will continue the public hearing.

Mr. Todd motioned to continue the zoning text amendment hearing until July 3, 2014, at 6:30 pm with the intent that we have these issues clarified by that point. Mr. DeMichael seconded the motion. Voting aye thereon: Mr. Todd, Mr. DeMichael and Mr. Jarrett.


Linda DeHoff, Fiscal Officer


Michael D. Todd, Chairman


Ken DeMichael, Vice Chairman


Ray Jarrett, Trustee