

PLANNING, ZONING & BUILDING COMMISSION

CITY HALL

April 10, 23

The City of Cortland Planning, Zoning & Building Commission met on Monday, April 10, 2023 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, Sally Lane, Don Bell, Don Fatobene, and Brian Hodor. Also present were Mayor Deidre Petrosky, Law Director Patrick Wilson, Service Director Kim Blasco and the following individuals:

Beverly & Jeffrey Ash	222 Dornoch	Cortland
Beth, Burke & Andrew Ensign	3990 McCleary Jacoby	Cortland
Sam Boyd	118 Walnut	Cortland
Craig & Heidi Keller	372 Clifton Dr.	Warren
Gloria Veri	372 Williams St.	Cortland
Marilyn Montgomery	380 Fowler	Cortland
Joseph Nay	7142 Love Warner	Cortland
Tom Nadar	7011 E Main	Warren

Curt Moll: I'd like to call to order the Public Hearing, 14-23 -The purpose of the hearing is to discuss the Modification of Attachment B of Part Eleven of the Planning & Zoning Code. Who is going to present this?

Mayor Petrosky: I will. The plan is to look at all of the Planning and Zoning regulations. We want to start with downtown, the Central Business District so that we can start to do some economic development down there. What we did is; we changed Attachment B for Central Business District. It is already an existing district, we didn't create anything new. What we did change is; we took some businesses out and we added some new ones. All of the changes are highlighted in yellow (14-23 of the packet) whether it be a deletion or an addition. This has gone through 3 committees; Planning & Zoning Regulation Review, Marketing & Business Growth and Downtown, DFG. We limited this to the kinds of businesses that we would like to see downtown. An overview is that we want to see the 'mom & pop' shops downtown and we want to keep the larger commercial, retail businesses on High Street. Some were just outdated, like a video store. There were some duplicates, apparel store and clothing store.

Curt Moll: Can we open it up for some questions about which ones?

Mayor Petrosky: Absolutely.

Curt Moll: I'm curious as to why we took computer store out of this section but left it in Highway Commercial and Service. So you don't want that sort of business downtown?

Patrick Wilson: Would you consider a cell phone store, a retail computer store? I don't know where that would fall.

Mayor Petrosky: Probably not. A cell phone store, no. Those are all national chains.

Curt Moll: Okay, I understand.

Patrick Wilson: So, you wouldn't want that downtown.

Mayor Petrosky: Right. If there is a business that is not listed on this list and people want to see if it is a Use Permitted Upon Review, they would come before this board and say, is this something that you would consider. Then that would be up to you, keeping in mind the over-arching policy that we want to keep small businesses downtown.

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Curt Moll: The Event Venue is only in... You don't want that in Highway Commercial District is what you are saying. You want those kinds of things downtown?

Mayor Petrosky: That was specifically added because Jenna Gessner specifically said that that is something she wants to do.

Patrick Wilson: What kind of business?

Curt Moll: An event venue, Farmer's Market. I'm just trying to figure out why we wouldn't put that in all of them.

Mayor Petrosky: We could but this Attachment B, right now, is focusing on Central Business District. With the exception of Apparel Store or any other duplication that was taken out.

Curt Moll: So, we would consider that in the future or adding to another...

Mayor Petrosky: Absolutely. If somebody comes before you before this is amended, you can always do a Use Permitted Upon Review. There are duplexes and apartments downtown under the current zoning of Service District, this makes them legal. This is just the first of much legislation that is coming your way.

Curt Moll: I think that it's worth considering putting Air B&B in Residential as a Use Permitted Upon Review and not limiting it to Air B&B. It would be any kind of short-term rental property.

Mayor Petrosky: Okay, short-term rental, that's better.

Curt Moll: A bar or cocktail lounge with a pool table is not a pool hall right?

Mayor Petrosky: Right.

Curt Moll: What has to happen to this at this point?

Mayor Petrosky: During the regular meeting, you guys will vote on it and then you will write a letter of recommendation to Council. The one recommendation will be, add short-term rental.

Curt Moll: We can change that at this point?

Patrick Wilson: Yes, you bring it up now, you have a Public Meeting...

Curt Moll: In the regular meeting when we discuss it, we can add that.

Patrick Wilson: You would need to make a specific comment about adding it, yes.

Mayor Petrosky: Not only to Attachment B, that would affect a different attachment too. Is that okay?

Patrick Wilson: Yeah.

Mayor Petrosky: So, we can change, we can do Attachment A.

Curt Moll: Could we?

Mayor Petrosky: Yeah, that's what he just said.

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Curt Moll: Oh, so we can add those short-term rentals to Use Permitted Upon Review in Residential Zones. It will give the people in a neighborhood an opportunity to say, this guy is causing a problem with his rentals. It also gives someone an opportunity to rent a home that they can't sell or whatever. The other one that I would like to change with your recommendation was the Event Venue one. I think that we can take that to, at least, Highway Commercial. That way, if anyone wanted to do it in Service, they would have to be rezoned to Highway Commercial to do it.

Don Fatobene: Do you want to break out short-term rental? Short-term rental could be anything. Do you want to break it out to B&B, maybe add wording like Bed and Breakfast? What is short-term?

Curt Moll: Do we have to define that?

Patrick Wilson: We would have to, yes. You wouldn't want to look for a judge to do that.

Curt Moll: So, we would want to put that in definitions.

Patrick Wilson: Yes.

Curt Moll: It will be any rental less than 30 days (agreement). There could be a situation where someone has a home that they can't sell because of probate or something else, and they want to make some money off of it. This will be an opportunity for them to rent it out to people that may be moving into the area or any reason and need a short-term place to live. Sometimes we have service people come to the base that need a place to stay short-term. Can I have a motion to close the public hearing?

A motion was made to close the **14-23 Public Hearing** by **Don Bell** and seconded by **Don Fatobene**.

Curt Moll called to order Public Hearing 15-23, a Zone Change request of multiple parcels along W. Main St. from McCleary Jacoby to Mecca St. to Central Business District.

Mayor Petrosky: Is this just the Industrial?

Kim Blasco: No, there is Industrial, there is Service, it's a combination.

Mayor Petrosky: On the north side of the street, there is the Ag. Center, then there are some residential, and NAPA. Those are all currently zoned industrial. We are going to change them to Central Business District. Across the street are the Gessner properties which are Residential Multi-Family, and we are changing them to C-1. At the last meeting, we had a Public Hearing on properties uptown between Erie and High Street. Those are going from S-1 to C-1. By the time that we are done, all of it between High Street and down to the lake will be Central Business District.

Curt Moll: Except Maxill which will remain Industrial District. The rest of the properties along Mecca St. are Service, right? (The Board looking through the maps in their packets) Yes, it's Service.

Patrick Wilson: Mayor, are you considering this Phase 1 and then moving up towards downtown?

Curt Moll: This completes the rezoning of the downtown area to Central Business District. Which gives them the flexibility to have either residential or some business classification. The only concern that I would have is the setbacks. I think that we would

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want to look at those down the line. If property use is Residential, it should have setbacks and buffer zones that comply with Residential Zoning. Any questions from the Board? Any questions from the audience?

Mayor Petrosky: I would like to have something on the record. I have an email from Jenna Gessner Polak, this is her big portion of property here (pointing it out on the map) that is going from Residential-Multi Family to C-1. She wanted to confirm that she wanted to be included in the zone change.

Burke Ensign: Will mine still be residential? We live on McCleary Jacoby.

Mayor Petrosky: Yes, not changing that one.

Curt Moll: Because the property is so large, the agricultural use is still permitted because it is over 5 acres. She perhaps has some things that she wants to do in the future which this allows her to do. The other would not have allowed her to. There will be an opportunity for her to rezone it again if she wants to. I need a motion to close.

A motion was made to close the **15-23 Public Hearing** by **Don Fatobene** and seconded by **Don Bell**.

Chairman Moll called to order **16-23** – Public Hearing for a Zone Change request for several lots in Walnut Run Estates, Phase 3 from S-1 (Service District) to R-12 (Residential District). Can I have someone to explain this please.

Tom Nadar: Tom Nadar, attorney for Walnut Resources. This is a continuation of Walnut Resources selling off some of the more narrow lands to abutting lot owners in the development. There are 2 different plats involved here with various lot numbers. We are just combining the excess land and selling it to the neighbors. Combining the lines to make it consistent with the zoning so that it can be replated and sold to the abutting landowners.

Curt Moll: This involves the lots on the north side of Doroch and southeast corner of Dornoch & Gleneagle. We have maps of those in our packets. Any questions?

Jeffrey Ash: Yes, I'm an adjoining landowner and received notice of this meeting. I have not been offered to purchase the property behind my house so I'm confused as to what the request is.

Patrick Wilson: What is happening here tonight, would not impact your property. You were notified because you are an adjacent landowner.

Mayor Petrosky: We have to notify adjacent landowners.

Tom Nadar: They are selling off some of the land. That property behind you is not owned by Walnut Resources.

Curt Moll: Anyone want to speak for this? Anyone against? Any questions? A motion to close.

A motion was made to close the **16-23 Public Hearing** by **Don Fatobene** and seconded by **Don Bell**.

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The City of Cortland Planning, Zoning & Building Commission met on Monday, April 10, 2023 at 7:00 P.M. at the City Administration Building, 400 N. High Street, Cortland, Ohio. In attendance were the following board members: Chairman Curt Moll, Don Bell, Sally Lane, Don Fatobene and Brian Hodor. Also present were Mayor Deidre Petrosky, Law Director Patrick Wilson, Service Director Kim Blasco and the following individuals:

Beverly & Jeffrey Ash	222 Dornoch	Cortland
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Joseph Nay	7142 Love Warner	Cortland
Tom Nadar	7011 E Main	Warren

Roll Call: Curt Moll, here; Brian Hodor, here; Sally Lane, here; Don Bell, here; Don Fatobene, here.

Curt Moll: The first item is **Approval of Commission Minutes for February 13, 2023 regular meeting.**

A motion was made by **Don Bell** and seconded by **Sally Lane**.

Roll Call: Brian Hodor, yes; Curt Moll, yes; Don Bell, yes; and Sally Lane, yes; and Don Fatobene, yes. **MOTION APPROVED.**

Curt Moll: We did not have a regular meeting in March because we lacked a quorum. We did have Public Hearings, but we did not have to take a vote. The Public Hearings have been documented.

Patrick Wilson: That is correct, it is in your packets that Christine put together. Notes from the Public Hearings.

Curt Moll: 09-23 Zone Change – Parcel # 34-107995 – 3355 Niles Cortland Rd. N.E. from R-15 (Residential District) to Highway Commercial District. Motion please.

A motion was made for 09-23 by **Don Fatobene** and seconded by **Don Bell**.

Curt Moll: We had a public hearing.

Patrick Wilson: Did we have anyone here for the public hearing?

Mayor Petrosky: No.

Patrick Wilson: Did we notify them afterwards?

Kim Blasco: Yes. I'll speak about this. It was Evalyn's, the property was sold. He is going to continue using it as a barber shop as well as running his business out of the location and he is living there. In order to put it in compliance with everything that he

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wants to do there, it was suggested to change it from R-15. It was changed to R-15 when it was quickly annexed into the city and defaulted to that. He is asking for the change from R-15 to Highway Commercial which is more appropriate for the area.

Curt Moll: Simple change really. Any comments?

Patrick Wilson: I'm not a fan of doing it in absentia but I'll defer because, I think that you are in favor of it and no one opposed it during the public hearing. As long as there is no opposition, I'm comfortable.

Curt Moll: Yes, there is nothing strange about this at all.

Roll Call: Brain Hodor, yes; Sally Lane, yes; Don Bell, yes; Don Fatobene, yes; Curt Moll, yes. MOTION APPROVED.

Curt Moll asked for a motion - **10-23 Zone Change** - downtown W. Main Street (High St. to Railroad) from S-1 to Central Business District (C-1).

A motion was made by **Don Bell** and seconded by **Don Fatobene.**

Curt Moll: We had a public hearing for this, it is in the record. There was no one opposed.

Mayor Petrosky: What we are doing, according to our updated Strategic Plan, we are beginning with Planning and Zoning changes of the downtown. We are utilizing C-1, Central Business District, which was already in existence. We changed the types of businesses in the Attachment to what we would like to see downtown; small Mom & Pop shops, local shops and keep the retail and chain stores on High St. If somebody thinks of a great idea that we haven't thought of on Attachment B, they can come before Planning & Zoning for approval. This is the first part from High St. to Erie going from Service to Central Business District. This will correct the fact that there are currently residences downtown that are not compliant with Service District.

Curt Moll: This will also allow any rebuilding in the same footprint and shared wall kind of construction. It gives you the opportunity to build a more downtown environment. I think that it is a really good move. This will keep the city in compliance with its own regulations. I think that this really positive. Any comments?

Patrick Wilson: I want to make it clear that this is the city coming to the Board with a proposal to bring this change. It will be consistent with the Strategic Plan that was discussed, researched, negotiated, and passed by the city.

Roll Call: Brain Hodor, yes; Sally Lane, yes; Curt Moll, yes; Don Bell, yes; Don Fatobene, yes. MOTION APPROVED.

Curt asked for a motion for **11-23 New Business** – 143 S. High Street, Twisted Creek Outdoor Adventures.

A motion was made for 11-23 by **Don Fatobene** and seconded by **Don Bell.**

Sam Boyd: I own Cortland Mower. With my business partners, we would like to open a kayak rental next door, the old Sky Bank building. Offer trips, take them down to the lake.

Curt Moll: That property is zoned Service. You are going to have equipment stored there, inside?

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Sam Boyd: We currently have mowers stored in there now. We'll just move some aside and put kayaks in. Everything will be inside.

Mayor Petrosky: We have already talked to ODNR, the general manager, Josie McKenna, she's on board.

Sam Boyd: We have several different places that we can launch from, including Mecca. We have trailers to take them down and launch. The goal is to make enough money to have something to transport humans too. We would like to team up with several other businesses in the city. We have already partnered with Country Porch Winery, Main Street Coffee, Brothers Pizza, Cortland Nutrition said that they would like to also. Just to make package deals.

Kim Blasco: When you want to do a more permanent sign, you will have to come back to the Board.

Curt Moll: Good. No further questions? Can I have a roll call please?

Roll Call: Don Fatobene, yes; Sally Lane, yes; Brian Hodor, yes; Curt Moll, yes; and Don Bell, yes.

Chairman Moll asked for a motion for **12-23 New Business** – 5286 Rt. 5, Ohio Wood Burner Ltd.

A motion was made for 12-23 by **Don Fatobene** and seconded by **Don Bell**.

Joe Nay: I'm a resident of Johnston Township, I grew up in Cortland. I have been operating off my acreage with this. We have expanded and are now ready to move into the old Buckeye Bulk location.

Curt Moll: You are basically providing fuel.

Joe Nay: It's going to be more of a production facility, there won't even be much retail sales there. The space is defined with blocks, a four-foot wall that goes around it and a gate. There is no electricity or water. The sign for the frame is in place, it's 4x4 posts. The sign that I would be putting in would be in compliance, the top edge would be at 10'.

Curt Moll asked for a roll call.

Roll Call: Sally Lane, yes; Brian Hodor, yes; Don Fatobene, yes; Curt Moll, yes; and Don Bell, yes.

Chairman Moll asked for a motion for **13-23 New Sign** – 5286 Rt. 5 - ground mounted sign, 2-sided, 18 sq.ft., 10' high, not lit.

A motion was made for 13-23 by **Don Fatobene** and seconded by **Don Bell**.

Curt Moll: So, you are going to use the same posts.

Joe Nay: The Buckeye Bulk sign is still in it. The sign that I'd be putting in is the same dimensions.

Mayor Petrosky: What about the open to the public part?

Joe Nay: That is going to come down. I don't want to be open to the public.

Curt Moll: Any questions from the Board? Roll call please.

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Roll Call: Curt Moll, yes; Don Bell, yes; Sally Lane, yes; Don Fatobene, yes; Brian Hodor, yes.

Chairman Moll asked for a motion for **17-23 Zone Change** - several lots in Walnut Run Estates, Phase 3 from S-1 (Service District) to R-12 (Residential District).

A motion was made for 17-23 by **Don Fatobene** and seconded by **Don Bell**.

Tom Nadar: I'm the attorney for Walnut Resources. Regarding the zone change, it is all a part of a replat of several residential lots of lands being sold by Walnut Run Resources. It is currently zoned as Service, being rezoned to Residential so that the land is all consistently zoned. The land doesn't have any frontage so it can't be subdivided again without the City's approval. It's really just combining backyards; making them deeper and some wider. All of these were approved by the existing residents.

Curt Moll: We had a public hearing on this earlier this evening, there were some comments made about the change but nothing negative; there were questions. No opposition from the audience. If there aren't any questions, may I have a roll call please.

Roll Call: Curt Moll, yes; Don Fatobene, yes; Sally Lane, yes; Don Bell, yes; Brian Hodor, yes.

Curt Moll: Now I need a motion for **18-23** – Replat of Lot 119A & Lot 121 of Walnut Run Estates Phase 3, situated within the City of Cortland, Fowler Township, Trumbull County, Ohio.

A motion was made for 18-23 by **Don Bell** and seconded by **Don Fatobene**.

Tom Nadar: This is a continuation, turning the corner. Selling backyards to people.

Curt Moll: Any questions or comments? Roll call please.

Roll Call: Brain Hodor, yes; Sally Lane, yes; Curt Moll, yes; Don Bell, yes; Don Fatobene, yes; Curt Moll, yes.

Curt Moll: I need a motion for **19-23 – Replat** – Replat of Lots 96A, 98, 100, 101, 103A, 105 & 108 of Walnut Run Estates, Phase 3, situated within the City of Cortland, Fowler Township, Trumbull County, Ohio.

A motion was made for 19-23 by **Don Bell** and seconded by **Don Fatobene**.

Tom Nadar: This is across the street. More fairway is being sold to abutting landowners. All zoned Service, being rezoned to Residential.

Curt Moll: All of the people that did not buy property were approached?

Tom Nadar: Yes, everyone was approached; some bought, some didn't. The way that it was presented was all in or all out. Some bought land that their neighbor didn't want.

Curt Moll: Any questions or comments? Roll call please.

Roll Call: Don Fatobene, yes; Sally Lane, yes; Brian Hodor, yes; Curt Moll, yes; and Don Bell, yes.

Curt Moll: 20-23 - The Modification of Attachment B of Part Eleven of the Planning & Zoning Code.

A motion was made for **20-23** by **Don Fatobene** and seconded by **Don Bell**.

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Curt Moll: We had a public hearing about this change to the zoning code with some modifications made. One was to add a definition for Air B&B that would be a short term rental which would be anything less than 30 days. We want to add that to the Appendix. Addition to that, add that short term rental classification to Residential as a Use Permitted Under Review. I think that is all that we did, right?

Patrick Wilson: That was the only changes to the proposal. The other highlighted changes were discussed with no opposition.

Curt Moll: The other was Event Venue and Farmer's Market need to be added to Highway Commercial as discussed. Does that go against our plan?

Patrick Wilson: That wouldn't impact what you are doing downtown.

Curt Moll: Well, but there are other kinds of events that you might not want downtown. My reasoning behind that was that it makes sense to have those kinds of things along the major highways as well because of exposure. You might want to steer the ones that would draw people in, more towards downtown. The ones that would be attracting people as they drive by, that's not a good place for them. I really don't want to put it in Service because then anybody in town could do it. As modified, I would like to ask for a roll call.

Roll Call: Sally Lane, yes; Brian Hodor, yes; Don Fatobene, yes; Curt Moll, yes; and Don Bell, yes.

Curt Moll: Can I have a motion for **21-23 - Zone Change** - West Main St. (Mecca St. north to city limits) from I-1 to C-1.

A motion was made for 21-23 by **Don Bell** and seconded by **Don Fatobene**.

Curt Moll: Any further comments on that? We had a public hearing and there was a little discussion about what we were trying to do but not really any opposition to the change.

Roll Call: Curt Moll, yes; Don Bell, yes; Sally Lane, yes; Don Fatobene, yes; Brian Hodor, yes.

Curt Moll: Now I need a motion for **22-23 – Zone Change** – West Main St. (Mecca St. south to city limits) from RM to C-1.

A motion was made for 22-23 by **Don Fatobene** and seconded by **Don Bell**.

Mayor Petrosky: This property is owned by Jenna Gessner Polak. She sent me an email regarding parcels in the zone change. She wanted to confirm that she wanted to be included in this zone change. I wanted to put this into record.

Curt Moll: Thank you, any other comments? There were no oppositions, there were questions. Recall please.

Roll Call: Curt Moll, yes; Don Fatobene, yes; Sally Lane, yes; Don Bell, yes; Brian Hodor, yes.

Curt Moll: **23-23 – New Sign** – Pole sign, 16'8" high, 55 sq.ft. internally lit – 650 S. High St.

A motion was made for 23-23 by **Don Bell** and seconded by **Don Fatobene**.

Curt Moll: Is there anyone here to speak about the sign?

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Kim Blasco: I tried reaching out to the sign company, I did not get a response back. I tried calling and I sent an email. The property sold recently, and I spoke to the person that is selling out of the building. He is basically leasing space to run a business out of the Valley View location. He does not own the property, his name is Spencer. He knew nothing about the sign because he doesn't own the property. I don't know who owns the property and I couldn't get ahold of the sign company to tell them to be here. I even offered to put them on speaker phone if there were any questions that they could answer. As far as I know, these signs are being switched from Valley View to BP. The Valley View sign on the building is staying, I believe. There wasn't a request to change the wall sign, just the awning and the pole sign.

Curt Moll: Does anyone feel comfortable dealing with this?

Don Fatobene: I think that there are a lot of unknowns.

Patrick Wilson: I think that unlike the previous issue where everyone was comfortable with it and no opposition,

Curt Moll: I think that we need to have someone here for this one.

Patrick Wilson: I agree. Don, do you want to withdraw your motion?

Don Bell: I will withdraw my motion.

Patrick Wilson: And a motion to table 23-23 and 24-23.

A motion was made to table 23-23 by **Curt Moll** and seconded by **Sally Lane**.

A motion was made to table 24-23 by **Curt Moll** and seconded by **Sally Lane**.

Mayor Petrosky: I have a question. It says that a variance was granted in 2017 for height and size of the pole sign. Now that it has sold, do we still abide by that variance?

Kim Blasco: We've honored past variances in the past. I talked to Curt...

Patrick Wilson: When the businesses have stayed consistent, we have honored it. Gas station to gas station... If it went to a different industry, we probably wouldn't or at least, we haven't in my tenure.

Curt Moll: All they are doing is changing the face on it.

Don Fatobene: One of the reasons was safety. We wanted the height. The lower would have...

Mayor Petrosky: ...obstructed the view. Thank you Everyone.

Curt Moll: Any other topics that need addressed this evening? I mentioned to the mayor that it would be a good idea that if there were changes to the Zoning Regulations, that we would have a work session with whoever decided to do it. Someone who is knowledgeable about the background and why it was done and an opportunity to talk about it before addressing it in the meeting.

Mayor Petrosky: Okay, no problem. We have retained Lake Shore Consultants to assist us in rewriting the downtown zoning. Curt can sit in on our initial meeting with them. Then when they feel that we get to a good presentation point, we will have them come in and you can ask any questions.

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Curt Moll: I ask that they include the Vice Chair as well.

Mayor Petrosky: Sure, absolutely.

Curt Moll: I will now ask for a motion to adjourn.

A motion was made to adjourn by **Don Fatobene** and seconded by **Don Bell**.

Roll Call: Don Fatobene, yes; Sally Lane, yes; Brian Hodor, yes; Curt Moll, yes; and Don Bell, yes.

Meeting Adjourned: 7:30 pm

Chairman

Date

Secretary