

PLANNING, ZONING & BUILDING COMMISSION

CITY HALL

October 14,

24

The City of Cortland Planning, Zoning & Building Commission met on Monday, October 14, 2024 at 6:45 P.M. at the City Administration Building, 400 N. High Street, Cortland, Ohio. In attendance were the following board members: Chairman Donald Fatobene, Curt Moll, Brian Hodor, Frank Daugherty and Robert Wilson. Also present were Mayor Deidre Petrosky, Service Director Kim Blasco and the following individuals:

Matt McCracken	324 Sawmill Dr.	Cortland
Caitlin Zimmer	4880 Warren Rd	Cortland
John Chegar	328 Sawmill Dr.	“
Sean Davis	317 Sawmill Dr.	“
Ray & Cheryl Park	325 Sawmill Dr.	“
Gene Francisco	316 Sawmill Dr.	“

Don Fatobene: Hello, I'd like to welcome everyone here tonight. We are going to start with 1 of the 2 public hearings. **35-24 Public Hearing** – The purpose of the hearing is to consider a variance request for the intention of placing a concrete pad and shed in the front yard at 324 Sawmill Dr. To start with, is there anyone here to speak for this variance? Come to the microphone.

Matthew McCracken: Hello, my name is Matthew McCracken. I am the owner of 324 Sawmill Dr. The intention of the shed and the pad is, with the current garage space, I have to move vehicles to get to my bicycles, lawnmower, and anything to that nature. My intent is to use the shed to store my bicycles, lawnmower, and more specifically, the snowblower that I have. While a backyard shed would be nice, since moving into the house, the backyard floods repeatedly. It have typically 4 to 8 inches in heavy rains making it an unsuitable location for a shed. By putting a pad in the front, I'm looking to have it the nicest way that I can do it. I'll try to match the house if I can in an affordable manner.

Curt Moll: The reason you can't put it in the back is because of flooding?

Matthew McCracken: The back is constantly full of water in heavy rains, yes. The other reason is if I put a snow blower in the backyard, I'd have to drag it through the yard to get it up to the front.

Curt Moll: There are a couple of other sheds back there.

Matthew McCracken: There is a shed immediately in the yard behind mine that has an elevated surface and the back of it is on stilts. It fills with water under that shed.

Frank Daugherty: Are there deed restrictions or anything like that?

Curt Moll: Not that could be enforced, there is not a Home Owners Association.

Don Fatobene: Do we have anyone else to speak for the variance? Is there anyone here to speak against this variance? (Several hands raise.) One at a time, please go to the podium.

Cheryl Park: Cheryl Park, I live right across the street, 325. No way do I want to open my front door and look at a shed; I don't care how nice it is. As far as flooding, we know the people that have lived there and we have lived here since '78. We put a French drain in. If it ever flood, the people that lived there never complained about it, never. It's just one of those things, you just have to build your property up or you need to put a drain

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back there. Come on, you want to store your bicycle? We have bicycles, we hang them from the ceiling. As far as the snowblower, those garages are big enough to handle it. And yes, there are deed restrictions. (Continued on about deed restrictions on her street.)

Don Fatobene: Deed restrictions are a little bit different. We are here for the actual zoning rules.

Cheryl Park: My answer is no, no way.

Don Fatobene: Thank you for your input. Anybody else?

Vince Prindle: Vince Prindle, I don't have a dog in this fight but has anyone seen an artist's rendering of what this proposed shed will look like, dimensions, so that everyone is fully informed?

Don Fatobene: Yes, similar to this drawing. You want to pass that around? It shows the type of shed and where he is looking to locate it.

Brian Hodor: It's 10'x12'.

Audience member: Have any of you taken a walk by to see this? I'm just asking for a fair opinion on that.
(Board members respond affirmingly.)

John Chegar: 328 Sawmill Dr. which is east of Matt. I would disagree with his wet problem. 332 and myself, we put in a French drain about a year ago and it knocked down a lot of the wet. (Talked of how it was constructed & Continued talking of the neighbors going in front of Council years ago to talk about water in their yard.)

Don Fatobene: I'd really like to keep the discussion to ...

John Chegar: Okay 324 Sawmill Dr., there is not a wet problem there, we elevated that. If we get 2, 3, 4 inches of rain there is some wet there but most of it is on my property. I don't want to see the shed in the front yard.

Don Fatobene: Thanks for your input, anybody else?

Gene Francisco: Gene Francisco, I live at 316 Sawmill. I've driven around the Shepard Hill allotments and I found it impossible to find another property up there that had a shed built in their front yard. I'd imagine that it has a lot to do with zoning. I simply ask the Board to deny the variance for 324. I think that approving it would set a precedent that would make a lot of people in the City of Cortland unhappy. As much as I hate to say it, I believe that it would have a detrimental effect on property values in our neighborhood.

Don Fatobene: I thank you for your input, anybody else? No, we will close the first public hearing. Jumping to the 2nd Public Hearing; **36-24** – The purpose of the hearing is to consider a variance request for 4880 St. Rte. 5 to allow a larger number of animals permitted on the property or to be considered Agricultural.
It sounds like we are being asked 2 things here; either or. Please come to the podium.

Caitlin Zimmer: Good evening Ladies and Gentlemen. Thank you so much for your time tonight and for letting me come and speak. Caitlin Zimmer, I am a Mahoning County Deputy Sheriff that moved to 4880 Warren Rd. approximately 2 years ago. I bought 2 plots of property over there off State Rte 5 that boarder Louis Blvd. When purchasing it, my intent was to create a family farm for myself, my family, my children. We moved in with 4 horses. Over the last year, I decided to get more involved with the community and started to coach local 4-H with the horses. That has led to my farm

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growing exponentially. This is the first time I have ever lived somewhere with zoning. I was previously made aware that the number was 4, I just forgot. Right now my farm hosts approximately 12 horses. Those horses are used for local children to participate with in 4-H. Most of the horses belong to me, a couple belong to other families. The kids that ride with me are kids that would not have this opportunity without these horses being there. They are kids that have parents that do not have the property, the money, or the know how to have their kids participate in this. The children that are with me come and clean stalls and care for the horses in exchange for their horses' care and feed bill. I then breed some of my horses in order to sell the babies to make this possible for these kids. I do not make money on this, I usually bleed money. (Passed around pictures.) These are local Lakeview kids and local kids that are homeschooled. I have one young lady that gives riding lessons on my horses to foster children for free. All that I am asking is to be considered Agricultural or for a variance of 12 horses so that I can continue giving back to the community and continue to provide this experience to these kids. When I breed the kids are invited to be there for the births, they help raise the babies, and learn to train the babies. Older kids that can actually do the training can earn some of that profit from the sale of the babies. I really try to provide for these kids and I can't do that without this number of horses. That probably sounds steep to some people, why 12 when you are allowed 4? Why 1 animal per acre? When you look at animal upkeep and care, that 1 animal per acre is to ensure that there is enough pasture for that horse to be fed adequately. My horses are not pasture fed. They are kept in stalls for the most part and fed very, very well and are very, very healthy. I encourage anybody that has any concerns, at any time, to come out and walk through my barn and see the level of care that my animals get. To my knowledge there has not been any outright complaints about the property. We have people stop all of the time, walk to the fence and watch the horses. Another concern might be the amount of waste produced by that many animals. We do have a larger pile of manure right now. We are composting it to use as topsoil to improve the rest of the property. Once done, the manure will be removed bi-monthly or spread throughout the property; it will not be a large eyesore. I am more than willing to do whatever is required by this council to stay within that. Thank you so much.

Don Fatobene: Okay, I appreciate you coming up. Is there anyone here to speak against this? No, will close this public hearing.

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The City of Cortland Planning, Zoning & Building Commission met on Monday, October 14, 2024 at 7:00 P.M. at the City Administration Building, 400 N. High Street, Cortland, Ohio. In attendance were the following board members: Chairman Donald Fatobene, Curt Moll, Brian Hodor, Frank Daugherty, and Robert Wilson. Also present were Mayor Deidre Petrosky, Service Director Kim Blasco and the following individuals:

Matt McCracken	324 Sawmill Dr.	Cortland
Caitlin Zimmer	4880 Warren Rd	Cortland
John Chegar	328 Sawmill Dr.	“
Sean Davis	317 Sawmill Dr.	“
Ray & Cheryl Park	325 Sawmill Dr.	“
Gene Francisco	316 Sawmill Dr.	“
James Westbay	570 Fowler	
Stephen Pop	4928 Warren Rd.	
Harvey McGinnis	160 W Main	
Diana Smith	4913 Warren Rd.	
B. Howard	100 Amy Place	
Mario Perrino	614 Park Ave	
Michael Megyesi	112/114 Amy Place	
R. Taktikos	148 W Main	
Becki & Anatole Olejnik	121 Huntington	
Buster Thomas	330 Windsor	
Shane Jenkins	4676 Warren Meadville	
Neil Roman		
Jerry Carlton		
Danette Palmer		
Carolyn Sparhawk	167 Park Ave	

Don Fatobene: This is the Planning, Zoning and Building Commission regular meeting. Can I get a roll call please.

Roll Call: Brian Hodor, here; Robert Wilson, here; Curt Moll, here; Frank Daugherty, here; and Don Fatobene, here.

Don Fatobene: Can I get Approval of Commission Minutes for the September 9, 2024 meeting.

A motion was made by **Fank Daugherty** and seconded by **Curt Moll**.

Roll Call: Don Fatobene, yes; Robert Wilson, yes; Brian Hodor, abstain; Curt Moll, yes; and Frank Daugherty, yes. **MOTION APPROVED.**

Don Fatobene: 32-24 – Discussion and Approval - Occupancy Permit program in the City of Cortland. I know that Bob had put together a definition of what is a rental property. Mayor, as far as the initial discussion for today, how do you want to handle that? I know that it is not ready for final approval. Once we get this document to read exactly the way that everyone feels comfortable with, it will then come back to this board for final approval.

Mayor Petrosky: There will be a public hearing prior to the vote on that.

Don Fatobene: If we can move this to the end of the meeting, agenda, that would be great. More to come on that. We are jumping to 37-24 – Variance Request -The purpose

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of the variance is to consider a request for the intention of placing a concrete pad and shed in the front yard at 324 Sawmill Dr. We had a public hearing on this before this meeting and there was a lot of discussion. For the record, Matt come back up and tell us what you are looking to do.

A motion was made for **37-24** by **Brian Hodor** and seconded by **Robert Wilson**.

Matthew McCracken: Matthew McCracken, 324 Sawmill Dr., shed for personal equipment, snowblower and miscellaneous camping gear.

Don Fatobene: Kim, I'm sure that you have discussed with Matt why we need the variance on this. We had quite a bit of discussion on this. I don't think that we need to have everyone come back up. Does anyone on the board have problems, concerns?

Curt Moll: I don't see an overwhelming reason that it couldn't be in the backyard. I look at the reasoning for approval or denial of a variance and I don't see a basis for a variance in this case. I believe that the neighborhood has indicated that they wouldn't support it.

Don Fatobene: This is the first variance of this type that has come to this board in my time period here. Any other discussion from the board?

Matthew McCracken: If I may, I'm willing to drop it if the neighborhood doesn't want it. I had one in PA at my other house and I thought that was the best solution. If nobody likes it, I'll go to another solution.

Don Fatobene: Please note that Matt is flexible and willing to look at other solutions. I'd like to have a vote since it is on the agenda.

Roll Call: **Curt Moll, no; Frank Daugherty, no; Robert Wilson, no; Don Fatobene, no; and Brian Hodor, no. MOTION DENIED.**

Don Fatobene: I thank everyone for coming. Next is **38-24 – Variance Request** - The purpose of the variance is to consider a variance request for 4880 St. Rte. 5 to allow a larger number of animals permitted on the property or to be considered Agricultural.

A motion was made for **38-24** by **Curt Moll** and seconded by **Fank Daugherty**.

Curt Moll: What process would we go through to designate this Agricultural? Would a motion, a second and a roll call be enough? It is now Residential Multi-Family.

Kim Blasco: I would have to reach out to the county to see if they have any rules. I know that sometimes taxes come into play.

Caitlin Zimmer: I'm not asking for any kind of tax break.

Don Fatobene: Is it easier to vote on this variance and then to possibly pursue the zone change down the road?

Kim Blasco: Yes, I would recommend that.

Don Fatobene: Briefly, tell us what you are looking to do and why.

Caitlin Zimmer: I am looking for a variance to allow me to keep a maximum of 12 horses on my property for 4880 Warren Rd. in order to continue to provide services to local children for riding lessons and for 4-H opportunities.

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Don Fatobene: There was a public hearing prior to this meeting and there was no one here to speak against the variance. As in the first public hearing, notices were sent out to adjacent property owners. Roll call please.

Roll Call: Curt Moll, yes; Don Fatobene, yes; Robert Wilson, yes; Frank Daugherty, yes; and Brian Hodor, yes. **MOTION APPROVED.**

Don Fatobene: Next item, 39-24 – New Business – Restore Pelvic Health & Wellness – 148 W Main St.

A motion was made for 39-24 by **Fank Daugherty** and seconded by **Curt Moll.**

Riana Taktikos: I am Riana Taktikos. I am a Doctor of Physical Therapy and I am looking to take over the old Montgomery Chiropractic office on Main Street to open a public health and wellness clinic. I currently practice in Howland and I am looking to move my practice to Cortland and open a functioning wellness center for women for fertility and other women's health issues. I personally treat incontinence and pregnancy, things like that. Things that we deal with every day. I'm from Lakeview and we own some other rental properties in the area. It's a nice community to get my practice moved to and started. I'm looking forward to it.

Don Fatobene: Any questions from the board? Roll Call.

Roll Call: Brian Hodor, yes; Robert Wilson, yes; Frank Daugherty, yes; Don Fatobene, yes; and Curt Moll, yes. **MOTION APPROVED.**

Don Fatobene: Next is your sign, 40-24 – New Sign – Ground Mounted, 84" x 33.6", approximately 16" off ground, direct/external lighting, 148 W Main St.

A motion was made for 40-24 by **Robert Wilson** and seconded by **Curt Moll.**

Riana Taktikos: The sign is already there, I am just copying over it and putting my own information on.

Don Fatobene: Ok, so it's an existing sign. Any discussion?

Curt Moll: This is not over the height limit, 16 is okay.

Kim Blasco: Yes, it's within the limits.

Roll Call: Brian Hodor, yes; Robert Wilson, yes; Curt Moll, yes; Frank Daugherty, yes; and Don Fatobene, yes. **MOTION APPROVED.**

Don Fatobene: Next item, 41-24 – New Business – Buster Thomas School of Golf – 330 Windsor Dr.

A motion was made for 41-24 by **Curt Moll** and seconded by **Robert Wilson.**

Buster Thomas: I'm Buster Thomas, I grew up in Cortland, went to Lakeview. I've been coaching junior golf for 4 years; I specialize in juniors. We take kids when they are around 8 years old and take them through junior golf, middle school, and high school golf. The goal is to take them through the process of competitive golf and then to college golf and get them as much scholarship money as we possibly can. It's the back left building, middle unit.

Brian Hodor: You have indoor simulators? And 8 years old is the youngest student?

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Buster Thomas: Yes Sir, 3 indoor simulators. It could be 6, depending on the student.

Robert Wilson: What's the oldest age? (Laughter)

Buster Thomas: We stick to junior golfers, that's our specialty.

Roll Call: Don Fatobene, yes; Robert Wilson, yes; Brian Hodor, yes; Curt Moll, yes; and Frank Daugherty, yes. **MOTION APPROVED.**

Don Fatobene: Thank you. Next item is **42-24 – Home Occupation** – Steel work/fabrication at 4676 Warren Meadville Rd., Steel Valley Forge, LLC. Can I have someone to speak on this?

A motion was made for **42-24** by **Robert Wilson** and seconded by **Brian Hodor**.

Shane Jenkins: My name is Shane Jenkins, I live down the road. I bought a CNC plasma table and I'm looking to put up some signage to get some advertising for the new business. I don't plan on having customers and people in and out. There is no nasty waste or byproducts, everything is contained.

Robert Wilson: Shane, is everything going to be inside the garage?

Shane Jenkins: Yes. Right now I have a scrap bin outside temporarily. I am going to build a nice box around it, the color to match the house. That is all that will be outside.

Robert Wilson: No fabrication outside, welding, grinding, no noises?

Shane Jenkins: All of that but inside. I have been at this house for 7 years, doing the same thing and have never gotten a (complaint) letter in the mail. I'm just starting to get a little more professional.

Don Fatobene: Any discussion, anything to add? Can I have a roll call please.

Roll Call: Robert Wilson, yes; Brian Hodor, yes; Don Fatobene, yes; Curt Moll, yes; Frank Daugherty, yes. **MOTION APPROVED.**

Don Fatobene: **43-24 – New Sign – Ground Mounted** – 48"x 72", backlit 110v at 4676 Warren Meadville Rd. Give us a brief description of your sign.

A motion was made for **43-24** by **Curt Moll** and seconded by **Fank Daugherty**.

Shane Jenkins: I'm going to cut it with my plasma cutter, it will be my logo and will say Steel Valley Forge and Fabworks. It might be a little smaller than the given dimensions but I will probably do nice brick pillars up and have it back lit.

Curt Moll: Is there any issue with the sign?

Kim Blasco: There isn't any rule against having a sign in a Residential District; nothing that says for it or against it. The zoning rules do not address a sign in a residential area.

Roll Call: Curt Moll, yes; Frank Daugherty, yes; Robert Wilson, yes; Don Fatobene, yes; and Brian Hodor, yes. **MOTION APPROVED.**

Shane Jenkins: Thank you, guys.

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Don Fatobene: 44-24 – Set Public Hearing – The purpose of the hearing is to consider a **Use Permitted Upon Review** – Outdoor storage at Maxill Realty Inc., 500 W Main St. Hearing to be set for November 12, 2024 at 6:50 pm.

A motion was made for **44-24** by **Curt Moll** and seconded by **Brian Hodor**.

Roll Call: Curt Moll, yes; Don Fatobene, yes; Robert Wilson, yes; Frank Daugherty, yes; and Brian Hodor, yes. MOTION APPROVED.

Don Fatobene: 45-24 – Discussion – discussion on developing one of 2 parcels, either behind the bank on Windsor Dr. or across the street on Rt. 46. Is there someone here to discuss what you are going to do?

Anatole Olejnik: I am Anatole Olejnik and my wife is Becki. We have owned Sydney Candle Company for about 17 years. What we want to do is take the parcel from Jerry and hopefully make it into a warehouse. We would start out at approximately 5,000 sq ft and maybe expand it out to a 10,000 sq ft type warehouse.

Curt Moll: Next to Windsor Place?

Anatole Olejnik: This is located right behind Middlefield Bank on Windsor Drive. That is where we would like to start out and put a warehouse there first. We are currently in a building we rent. We have exploded in the last couple of years and we need some more space; everything will be contained inside. We make candles and sell them to Sparkle, White House, Kranyaks, and we do a lot of Facebook ads.

Curt Moll: What kind of trucks come in and out of there?

Anatole Olejnik: Not the big 52' trucks, we probably get a delivery maybe 2 or 3 times a month. It would be a smaller LTL truck but we plan on putting in a dock.

Robert Wilson: Do you have conceptual drawings yet?

Anatole Olejnik: We do have some drawings. (Becki showed the Board) The warehouse will be about 50' wide by 100' long and average about 14' high.

Becki Olejnik: We won't have any retail there.

Anatole Olejnik: Right, no one will be coming in to buy candles, we just ship them out.

Becki Olejnik: That is the property on Windsor. The other property we are asking permission about is across the street on 46. Potentially putting some storage units there.

Anatole Olejnik: That is down the road, the main project is trying to get the warehouse put up.

Becki Olejnik: We would like permission for both so that we don't have to come back.

Curt Moll: It's Service. What is it zoned across the street?

Jerry Carlton: I think that it's Highway Commercial.

Kim Blasco: Either one would be fine.

Don Fatobene: At this point there is nothing to vote on, it is just a discussion. Them letting us know what they are looking to do.

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Anatole Olejnik: That is correct, we want you guys to be aware of what we are doing, keeping the business here. We definitely need more businesses in this area; that is the only way that we are going to get our young people back here.

Don Fatobene: Thank you for coming in. now let's jump back to Old Business, **32-24 – Discussion and Approval - Occupancy Permit** program in the City of Cortland. We are not going to do the approval today because it is not done. We are waiting for the final draft to be created and then brought to this board. There are a lot of people here to talk about this so we'd like to limit it to at least a couple of minutes each.

Michael Megyesi: Do you want to start out with why this was implemented in the first place, why this came to be, your thought process...

Audience Member: Details would be nice. (audience agrees)

Mayor Petrosky: It is a new program and there are a few reasons why we are doing this. I'm just going to read off of here. The Ohio Revised Code section (R.C.) 5323.02 requires an owner of residential property to register a contact agent for that property with the county auditor's office within 60 days following the day a real property conveyance form is filled out. The county does not have a registration. The city would like to have registration so that we have current contact information, not only for the owners but for the tenants.

Neil Roman: Isn't that information on the auditor's site, the owners?

Mayor Petrosky: There is no phone number or contact information there and no information for the renters.

Don Fatobene: We are one of the only cities in The Valley that does not have something like this in place. It puts some rules out there as far as upkeep of the property and number of tenants. There are some things in there that really should have been adopted years ago.

Neil Roman: What's the urgent need to have this? I feel like everyone is here because nobody wants it. I don't know why you are trying to push this. (agreement)

Mario Perrino: Only 25% of Cortland is rentals. You are actually losing rentals.

Neil Roman: It's not going to apply to commercial or section 8. So, the only people that can afford to pay your fine; that's who you are going to target. (others agreeing) Apartment buildings don't seem to apply. That seems a little bit shady.

Don Fatobene: This isn't about legal complaints, having a tenant that causes you issues. This gives the city a little bit more control but there are issues of the upkeep of property, some folks jamming too many people in a small apartment...(interrupted)

Danette Palmer: So, you are going to limit the number of people in an apartment?

(Many speaking at once)You can't control housing.

That is controlled through Health Code violations..

Neil Roman: You don't need to penalize the rest of us because they are jamming 20 people in the house. None of us want that because it would destroy our house. We'd deal with it on our own. We don't need you people crossing that line; you're outgrowing your britches. We'd like you to butt out and leave us alone; that is what we are getting at. That's why we are all here. They won't come out and say it; I'll say it for them, I don't give a ----.

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Flo Hutton: I think that we are being penalized for being landlords. If you took all of the tenants out of the city, Cortland would no longer be a city. Do you realize how many rentals there are in Cortland?

Mayor Petrosky: 25 – 33%.

Brian Howard: All of the tenants usually have to call the water department to register to have service turned on. You already have a sheet of paper somewhere in this building that says that so-in-so lives at so-in-so. You already have that. As for another thing, costs have gone up in the rental business. Paint, gas, mulch is all up.

Danette Palmer: Insurance. Our property taxes just went up 50% last year and now you are dumping more fees on us? What about the single moms that I rent to, who I give a break to because they take care of my places. I charge \$900 for a 3-bedroom unit to single moms. That's a great deal, I can't continue to do that if you continue to jack up prices and make it hard.

Neil Roman: The good thing about renters is that they don't pay taxes. I don't understand this desperate need to protect people that aren't paying taxes. We're the ones that pay the taxes around here. You keep making comparisons to Niles and Warren. You know what they have that we don't? Building Departments with qualified building inspectors. We don't have that. Who is going to do this said inspection?

Mario Perrino: There is nobody in here that is authorized, that has done tests to actually do inspections of smoke detectors, GFIs, nobody that is certified. We got Road Department guys that are now Zoning.

Neil Roman: It will be really hard for me, somebody who has built houses for 40 years, to take some clown you guys hired off the street to look me in the eyes and tell me what's wrong with my house when he couldn't build a birdhouse that came in a box. You guys are really overstepping your boundaries here.

Danette Palmer: Most of us are good landlords who take care of our places.

Audience member: If we didn't have places to rent, people that cannot afford to buy a house, would they live in a tent, a car, a local park?

Danette Palmer: And people who are getting divorced, whose kids go to Lakeview, who have to live in Lakeview because of closed enrollment. Which is great, it keeps everything nice but you are penalizing all those people.

Flo Hutton: Why does the city want to do this anyway? Is it for the money?

Mary Simms: What are your numbers anyway?

Mayor Petrosky: We haven't discussed that yet.

Many interruptions and talking over each other.

Don Fatobene: From now on we are going to do this the right way. Anyone in the audience that would like to speak, come to the podium.

Robert Wilson: The people out in front of us represent and speak for your population of landlords and I totally respect everything that you have said so far. Aside from the emotions which everyone was hot about, understandably; the points that were brought up were good. On behalf of the landlords, I can see why you don't want more regulations, fees, and things to keep track of. But you also have to look at the rest of the Cortland

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population who might be living next to one of those rental properties that aren't one of yours, but it needs inspected because it's a dump. We also need to keep those types of people in mind. The people on this side of the fence are not interested in that but Cortland, as a whole city; there might be more of an appetite for it. Zoning has certain powers but when it comes to the language in this proposed document, it is based around tried-and-true guidance on what constitutes a safe living environment. Nothing in this is insane. Nothing says a fresh coat of paint or brand-new carpet every time someone moves in, double paned windows. Even when it comes to square footage, we are just trying to make sure that we don't have people living in closets.

Mayor Petrosky: Or in basements without ingress or egress.

Brian Hodor: To defend those here on the board, you are saying that we are going to overstep our powers, that we aren't listening to the people. We had an example here tonight with the gentleman that wanted to have the shed in his front yard. People came to say that, no they didn't want this. Every member of this board voted no. So we are here to listen to you, we ask for respect, we are citizens of the community too. Again, this is a very rough draft, it is being reworked again. We've not seen the final copy.

Curt Moll: Council referred it to us basically for approval, discussion about it. It then goes back to council, they will have a public hearing, they'll have three readings to approve it if it ever gets approved. That's the process that it has to go through. We even have to have a public hearing before we actually vote on it. The reason that we are talking to you tonight is that we want to get your input, what do you think. It's pretty obvious what you think. If you have good ideas, bring them to us.

Harvey McGinnis: Harvey McGinnis, 160 W Main. The rough draft that you have, can you make that available to us? Put it on the website so that we can understand what is going on and give you our input.

Mayor Petrosky: Yes, sure.

Don Fatobene: Understand that it is a rough draft. Do you want to talk about the consultant that we hired to bring the city up to other cities' par. This was one of their first ideas.

Mayor Petrosky: Yes, we hired Lake Shore Consultants to review our zoning, and they are the ones that wrote this Rental Occupancy Permit program for us. It's a mixture of different legislation from different areas. I'll reiterate what Bob said, he is probably right. It's the people that aren't here whose properties we need to be concerned about. The Fire Chief indicated that he had inspected a property that doesn't have an egress, there was only one way out of a basement apartment.

Neil Roman: There are residential homes that don't have this stuff. It's ok for them to burn to death just as long as I don't own the house. Your inspection doesn't make sense.

Robert Wilson: Point taken. Let's keep this professional, concise, and let's go in order or else we are going to be here all night.

Flo Hutton: 258 S High St. I take care of my own problems; I don't need anyone coming in inspecting. If I don't like what going on, there is a 30-day eviction notice. I put up with no nonsense and I don't think that I should put up with this either. If I tore down all of those buildings and had a vacant lot, you'd only get 1/3 of what I'm paying. Then you'd have 6 or 7 vacant lots, that's no good either. I think that you should scrub this deal.

Don Fatobene: Thank you for your input. Again, this council did not write this. This has been presented to us.

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Brian Howard: Brian Howard of Amy Place. Between me and my father we have been in the rental business close to 40 years. We own the vast majority of rentals on Amy Place and by the Middle School. We try to do the best that we can. What you are proposing is going to add a tremendous cost. Supplies are out of control and finding people to do the work is an issue too. What I am going to do is pass that cost onto the tenant which means that rent goes up. It's already a pretty competitive market, we don't have a lot of wiggle room for a profit. If you are only targeting certain landlords and not apartment complexes, that doesn't seem fair to everybody. I'm simply saying, take the time to think about what it takes to be in this game, what it takes us to keep Cortland looking good. We'd like to have good people coming in. Cortland is a well-known city with a great school system. If you start adding more control, I have to start getting inspections, if a tenant leaves in the middle, do I need to pay another permit fee for that? Do I have to run background checks and turn them in to you? This raises more questions, more work and more costs which I pass on to the tenant which means I'm not competitive anymore. Why come to Cortland when you can go to Niles or Warren for ½ the price?

Mayor Petrosky: For those very same reasons that you just said; for the school, it's safe.

Brian Howard: We do our own due diligence; we interview our tenants. To have been here for such a long time, doing the best that we can and all of a sudden you saying that we have to have a permit. Only doing it to some but not all. I'm sorry, thank you.

Don Fatobene: Thank you, that's great input, what we want to hear.

Danette Palmer: Hi, I own two duplexes in the city. I have several questions after the session that you guys did on the 23rd. Why do you want background checks, what are you looking for? It was brought up that you are looking for sex offenders; there is a data base for that established by the state and there are rules that they have to follow. They can't live within 1,000 feet of a school or daycare. What else could you possibly implement that wouldn't be discrimination, that we wouldn't get sued for?

Mayor Petrosky: That is why that was put in there.

Danette Palmer: How would you enforce it, what would we have to do? Couldn't the police check? Say that you have a tenant's name, that's the police's responsibility at that point, right? Couldn't you pass it on to the police; say, run this name in the system and check. They know the rules; they can't live within a certain area. You can't prevent them from moving into the city legally. Is that what you are trying to do?

Mayor Petrosky: No, only within those areas.

Danette Palmer: Right so, what is the background check for? What are you telling us we can and cannot do? What is the cost? What kind of background check? It's not done everywhere. So, I'm going to lose a tenant because I have to send them to get fingerprinted and then wait for it to come back? I do my own background checks that are more thorough than BCI because I also do financial. If someone is not paying their bills, has been evicted; I'm going to know. One of my other questions; What are the fees that you are looking at? I've seen everything from \$100 to \$300 per unit.

Mayor Petrosky: Again, this is a draft. Your recommendation would be to eliminate the background check, correct?

Danette Palmer: Right because I think you are going to cause more problems than what you are aware of.

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Mayor Petrosky: Okay, valid; that's why we have this discussion. What would you propose as fees?

Danette Palmer: I don't know, that's why I'm asking what you are looking at. That's what I want to know; what are you guys thinking so we can counter that.

Mayor Petrosky: Let me just read this. Initial non-refundable registration fee of \$200 for a single-family unit. Multi-family rental properties will incur a minimum fee of \$300, this covers the first 3 units and \$100 per unit for each additional. All will expire on December 31st, subject to renewal, and a non-refundable payment of \$200.

Danette Palmer: Is there an inspection fee on top of that? What if somebody moves out in the middle of the year? Does it have to be reinspected every time someone moves in? If everything is up to code and good, why are you reinspecting every year? Tenants don't like us going in, so they don't want other people coming in all the time. If there is a problem, I'll take care of it. I go in 3 or 4 times a year. Getting someone to come out in a timely manner is hard. It took me a year to get a roof done on my house. What if we literally can't get something fixed? Are we still going to get fined?

Mayor Petrosky: No.

Danette Palmer: How do we prove that to you? If you have not been a landlord, you don't know what it takes. We lose our --- at certain times. (talked of how she does her own checks).

Robert Wilson: Just to pole the audience, is getting a background check on each of your tenants something that everybody does?

Many affirmative answers from the crowd.

Robert Wilson: Something to think about, if all landlords do some type of background check, providing a copy of that to the city might suffice.

Many talking at once about privacy, crossing the line.

Don Fatobene: I had a rental property in Warren, the background check wasn't required.

Danette Palmer: My other comment is, I understand if there are Fire Code issues, they need to be taken care of. Doesn't the Fire Chief already have a legal recourse for that? Something that he can do instead of having a new rental housing code? You already have the recourse of the Health Department. If places are so bad, they should be reported to the Health Department. Same thing with CSB, if there is an issue when they go in, they are going to the Health Department. You already have two systems in place.

Mary Sims: Mary Sims, I have several rentals in Cortland and several in Niles. They do an annual permit. When a tenant moves, they do an inspection. They can live there for 25 years and there is no inspection. I don't know what your proposal says but paying a fee of \$150 to \$300 a year, per door is out of this world. Is it going to be inspected every year?

Mayor Petrosky: That is the way it is set up right now.

Mary Sims: Niles doesn't do that. They know when somebody is moving in because they have to sign up for water, then an inspection is required. They will come out, do an inspection, and truly look for things that you might miss. A handrail is needed here, this smoke detector isn't working, it's simple. \$25 per inspection and \$50 per door annual permit fee so my duplexes are \$100. Your numbers are too high, we would have to pass that cost on and that's going to price these people right out of housing.

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Robert Wilson: How does the inspection work now when tenants change?

Mary Sims: It works great! I call, I need an inspection, he walks through it, sends me an email of what needs done. I then send him the receipts that the things have been done and he sends me an approval. The tenants could be there for years and it's not getting inspected, but I still pay the annual permit fee.

Michael Megyesi: Mike Megyesi, I own a duplex on Amy Place. Our economic times are pretty difficult right now. As landlords we are seeing all of our costs go up and up. I would think that this council could see that this is coming at a bad time when everyone is struggling with all of this inflation we are seeing. My second point is that I believe this is in good nature what you guys are trying to do but it allows a lot of other fees to come down the pike for us. A lot of us are long term landlords and you are opening us up to more fees down the road when you guys aren't sitting in these seats. Again, I believe this is in good nature; there may be some room for compromise, put some caps into place. There is always a need for safety, absolutely. I think that we have done a good job as landlords of keeping everybody safe.

Don Fatobene: I appreciate the feedback. Again, this is what we want to hear; this is not set in stone. As far as it being a money grabber, that is not true. It's certainly not to pay this council because if we double our salary; 2 times 0 is nothing.

Mayor Petrosky: I'm looking now at what the City of Niles inspects. It's simple things like GFIs where there is water, things that everybody in this room can see.

Brian Howard: Trumbull County has changed regulations before. If your building was built in the 70's, and the electrical panel is next to the hot water tank, your inspector says no, no, no, because things have changed. Now I have to dole out \$10,000 to \$15,000 to move that panel that has never been a problem before. You can kind of see what I mean. If someone you just hired comes in and tells me that I have to move that and it was never a problem before... just something else for you guys to think about.

Mayor Petrosky: That's a good point, thank you.

Flo Hutton: Not everybody knows about plumbing, electric, furnace...Who is going to be your certified inspector?

Neil Roman: Is this going to be a certified building inspector or just some random person?

Mayor Petrosky: I don't know.

Neil Roman: Because if it's some random person, I can't take anything that comes out of his mouth seriously. You've got to understand that. If you are going to hire an actual building inspector, that's going to cost money. That is not only going to be an additional cost to us but to taxpayers for something that's not a problem. You keep saying that this is for safety. There are owner occupied houses that are dumps and unsafe but they don't have to have theirs inspected. So the whole safety thing, looking out so they are all in good shape, that's BS too.

People talking over each other. Some discussion on slumlords.

Mayor Petrosky: These are people that don't live in the city.

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Don Fatobene: Again, this all started with the consultants that we hired; a way to improve the city overall. Not just this aspect, this is just one of the first things that they came to us with. We are at the very beginning; nothing is set in stone here.

Audience Member: I just went through this. I have a property in Champion and I wanted to update the panel. I had to move the whole service, to come up to code for Trumbull County. Trumbull Co. inspects a lot of my properties, so I already have this. I work on a lot of properties of the landlords that are here. These are honest people; they aren't going to do anything to jeopardize anybody here. We are businesspeople and this isn't making our lives any easier. It's a tough pill to swallow. We already have active rules and regulations in place through the county. Any tenant can contact them and then we have to deal with the county. This is a redundant ordinance.

Audience Member: There is more of us that don't want it than of you that want it.

Don Fatobene: No one is saying that we want it. This is just something that has been proposed that we have to bring to everybody.

Brian Howard: I'm sorry that you're getting the heat for it.

Brian Hodor: I'm a landlord too, not in Cortland but I deal with this. I've highlighted things in here and I'm on your side when it comes to some things because I understand.

Frank Daugherty: You're assuming that we all agree. I don't like a lot of what's in here. You're the input to get this corrected. I agree with you; I have a lot of concerns about this but it's a starting point. The background check, I'd feel like a snitch but that's my opinion. My point is this group will get together, break down into pieces and see what's valuable. There are things in here that I don't think are valuable. For my own knowledge, I went online and copied Youngstown and McDonald. McDonald is only a page and a half, so we have a long way to go. The State of Ohio requires us to report our rental properties. I don't know that we have a data base of any rental properties. We need to find out; what are the State of Ohio and Trumbull County requirements and are we fulfilling them. I don't want to bankrupt anyone, I do not want a revenue stream. When I had my 7 properties, it would have cost me \$1,400 to \$1,500 a year. So don't assume that everyone here is against you. I have gone to the basement in my house and it was loaded with garbage because they didn't pay their garbage bill. I know what it is to be a landlord. You are businesspeople and they are your customers. Your input, intelligent conversations and concerns will help us come up with a document that we all can live with.

Inaudible talking... Chairman speaks to the audience.

Carolyn Sparhawk: 167 Park Ave. I've been a landlady for about 35 years, and I agree with what most of these folks are saying. I feel that we are being penalized, we do our own background checks, and I think that the fee is pretty high. I talked to someone in Warren and they pay \$84 a year and it doesn't get inspected.

Don Fatobene: When I had my duplex there it was \$175 and that was ridiculous.

Carolyn Sparhawk: It's hard to make a profit; now they are going to go to Warren where it's cheaper even though it is not a nice neighborhood. Taxes, insurance, everything has gone up. (Spoke on the hardships of a landlord.)

Don Fatobene: Before this ever comes to a vote, we will get this information out there. We want to hear from you; if you don't agree with something, tell us. Again, we didn't put this document together, we were presented it. We hired an outside consultant and it was more than just rental properties. We are trying to move the city forward in many

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different ways. This was the first thing that they noticed. They said that a city like Cortland should have this type of document out there. It doesn't mean that we have to agree with them.

Flo Hutton: Why do we need it?

Don Fatobene: Again, that is what we are determining, what we are here to discuss. This is not going to be voted on now. We want everyone's input before we get a final document. Even if it passes us, it still has to pass council, that is who you have voted for. We know that we need something in place, what that is, we don't know yet. The background check is a burden in my eyes.

Flo Hutton: Can you give me a copy?

Don Fatobene: I'm sure we can.

Many people talking at once.

A woman speaking of a park issue; directed to attend a Parks Board meeting.

A motion to adjourn was made by **Curt Moll** and seconded by **Frank Daugherty**.

Roll Call: Brian Hodor, yes; Robert Wilson, yes; Frank Daugherty, yes; Don Fatobene, yes; and Curt Moll, yes. **MOTION APPROVED.**

Meeting Adjourned: 8:21 pm

Chairman

Date

Secretary