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CITY OF NORTH CANTON, OHIO
PLANNING COMMISSION MEETING

**TRANSCRIPT OF
APRIL 8, 2020, MEETING
VIA TELECONFERENCE**

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Transcript of Proceedings of the North Canton
Planning Commission, taken by me, the undersigned, Laurie
Maryl Jonas, a Registered Merit Reporter and Notary Public
in and for the State of Ohio, at the North Canton Civic
Center 845 West Maple Street, North Canton, Ohio, on
Wednesday, April 8, 2020, at 7:07 p.m.

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1 APPEARANCES:

2 (Via Teleconference)

3 Jamie McCleaster, Chairman

4 Brian Mihalcin, Member

5 Peter Volas, Member

6 Eric Dalpiaz, Member

7 Thomas Serra, Member

8 Matthew Stroia, Councilman at Large (non-voting
9 member)

10 Patrick A. DeOrio, Director of Administration
(non-voting member)

11 Timothy L. Fox, Director of Law

12 Catherine A. Farina, Deputy Director of
13 Administration and Development

14 Stephan B. Wilder, Mayor

15 (Present at Civic Center)

16 Martin Van Gundy IV, Chief Building Official

17 Cinnamon Traugott, Clerk of Planning Commission

18 Benjamin R. Young, Clerk of Council

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1 MR. MCCLEASTER: All right. Well, I would
2 like to call this meeting to order of the North
3 Canton Planning Commission for the meeting of
4 April 8, 2020. The time is now 7:07. If we could
5 have the clerk call roll, please.

6 MS. TRAUOGOTT: Mr. McCleaster?

7 MR. MCCLEASTER: Present.

8 MS. TRAUOGOTT: Thomas Serra?

9 MR. SERRA: Present.

10 MS. TRAUOGOTT: Brian Mihalcin?

11 MR. MIHALCIN: Mihalcin. Here.

12 MS. TRAUOGOTT: Mr. Volas?

13 MR. VOLAS: Here.

14 MS. TRAUOGOTT: And Mr. Dalpiaz? Eric
15 Dalpiaz?

16 MR. DALPIAZ: Here.

17 MR. MCCLEASTER: And thank you so very, very
18 much. And it sounds as though we have all five
19 members present.

20 Just since we are doing this in kind of a
21 different orientation to what we normally do, I just
22 wanted to give a couple little tidbits to maybe help
23 us get through this evening a little bit smoother. I
24 just want to remind everybody that if you could be in
25 a quiet room so maybe we don't pick up any noises of

1 the microphone of your phone or your device. If you
2 are not speaking and don't plan on speaking, we would
3 appreciate it if you could go on mute when you're not
4 talking.

5 So with that, I think we will roll into the
6 first item on the agenda, which is the February 5
7 meeting minutes, and I trust all of the members have
8 had an opportunity to take a look at those.

9 MR. SERRA: I'll make a motion for approval.

10 MR. MCCLEASTER: Okay. We have a motion on
11 the floor from Mr. Serra. Is there a second?

12 MR. MIHALCIN: Second.

13 MR. VOLAS: Peter Volas will second.

14 MR. MCCLEASTER: And actually, maybe just as
15 a bit of clarification, maybe if we could say like
16 what Peter said, "Peter seconds," that would be
17 great. And I didn't hear who it was that seconded
18 before him though.

19 MR. MIHALCIN: Brian Mihalcin.

20 MR. MCCLEASTER: Okay. Thank you,
21 Mr. Mihalcin.

22 Okay. We have a motion and a second. If we
23 could call the vote on that, please.

24 MS. TRAUOGOTT: Mr. McCleaster?

25 MR. MCCLEASTER: Yes.

1 MS. TRUGOTT: Mr. Dalpiaz?

2 MR. DALPIAZ: Yes.

3 MS. TRUGOTT: Mr. Serra?

4 MR. SERRA: Yes.

5 MS. TRUGOTT: Mr. Volas?

6 MR. VOLAS: Yes.

7 MS. TRUGOTT: And Mr. Mihalcin?

8 MR. MIHALCIN: Yes.

9 MR. MCCLEASTER: Okay. Fantastic.

10 We will move on to Item No. 4 on the agenda,
11 and this will be an adjudication hearing, and this
12 adjudication hearing is going to be for, it's
13 Application No. 20NCPC-0001. It's a conditional use
14 permit for a monument/clock tower at Walsh
15 University. And as it is an adjudication hearing, if
16 we could have our court reporter please administer
17 the oath to anybody who is wishing to speak on this
18 this evening.

19 (Whereupon, a sworn oath was administered by
20 the notary public.)

21 MR. MCCLEASTER: Okay. And we have had those
22 who may wish to speak on this item sworn in, so at
23 this point I would invite the applicant to come up
24 and tell us about this -- this project.

25 And actually, as we're waiting for the

1 applicant to come online and start talking, if we
2 could ask all those who may speak tonight, but
3 especially the applicant, if you could state your
4 name, the company you represent and -- or the company
5 you work for and your address for the Record, that
6 would be great.

7 Mr. Van Gundy, do we know if somebody on the
8 line to speak about the Walsh project?

9 MR. VAN GUNDY: I see a Joe as one of the
10 attendees. I don't know if that's the architect of
11 record, Mr. Caplea. I will make a phone call here to
12 find out. If, in the meantime, if you wanted to jump
13 to the next item, which I believe Mr. Costin is on
14 representing the Sanctuary fence, Item No. 6, I
15 believe --

16 MR. MCCLEASTER: Item No. 6. And maybe if
17 Mr. Fox is on, would we, given this kind
18 unprecedented situation, would we need to take a
19 motion and vote to alter the agenda?

20 MR. FOX: No, sir. I don't think just to
21 take them out of sequence. They're all on the
22 agenda, and I think all of those here in attendance
23 are put on notice that they might start at a little
24 bit different times. Being it's about 7:13 --

25 MR. MCCLEASTER: Okay.

1 MR. FOX: -- I think that's permissible
2 without that formality.

3 MR. MCCLEASTER: Okay. Thank you, Mr. Fox.

4 So with that, we're going to move on to Item
5 6 on the agenda, which is going to be an application
6 for a general development and final development plan
7 for a proposed fence along the southern property
8 lines of nine parcels in the Sanctuary. And do we
9 have somebody on the line who can discuss this, this
10 project with us? And when you do come on, if you
11 could state your name and the company you work for
12 and your address, please.

13 MR. COSTIN: My name is Rich Costin. Bob
14 DeHoff is going to do the speaking. Is he in here,
15 do we know?

16 MS. TRAUOGOTT: Can you please speak louder,
17 sir?

18 MR. COSTIN: My name is Rich Costin. I'm
19 with Lemmon Development. Bob DeHoff is going to do
20 the speaking tonight. Is he logged in?

21 MS. TRAUOGOTT: I'm sorry. Please -- please
22 repeat that name.

23 MR. COSTIN: Rich Costin.

24 MS. TRAUOGOTT: Oh. Hold on just one second.

25 MR. YOUNG: Do you know if he called in, sir?

1 MR. COSTIN: Yes. I can call him.

2 MR. YOUNG: No, did he call in? Or do you
3 know the last three digits of his phone number?

4 MR. COSTIN: 8153.

5 MR. YOUNG: Mr. DeHoff just called in.

6 MR. DEHOFF: Hello. Can you hear me?

7 MR. MCCLEASTER: Yes. Is this Mr. DeHoff?

8 MR. DEHOFF: Yes. Yes, it is.

9 MR. MCCLEASTER: This is Jamie from the
10 Planning Commission. You're on live with our meeting
11 here. I believe you're going to give us the rundown
12 here for this Sanctuary fence project; is that
13 correct?

14 MR. DEHOFF: I'll be happy to do that.

15 MR. MCCLEASTER: Fantastic. And just for the
16 record, if you could state your full name, the
17 company you represent and your address and then feel
18 free to get going.

19 MR. DEHOFF: Yes. This is Bob DeHoff. I
20 represent -- I'm a partner with McKinley-Applegrove
21 LTD, the owner/developer of the Sanctuary.

22 MS. TRAUGOTT: I'm sorry. I'm sorry, sir.
23 We'll need to swear you in first before you -- before
24 you speak.

25 MR. DEHOFF: Okay.

1 MS. TRAUOGOTT: Just one moment, please.

2 (A sworn oath was administered by the notary
3 public.)

4 MR. MCCLEASTER: Thank you so much. And now
5 please feel free to again start with the name of your
6 company, the address and about the project.

7 MR. DEHOFF: Okay. This is Bob DeHoff. I'm
8 a partner with Bill Lemmon with the company McKinley
9 Applegrove LTD, which is the developer --
10 owner/developer of the Sanctuary in this phase that
11 we're talking about. And we would like to install
12 this fence as proposed. It's a wood fence. Along
13 the proposed route that is indicated there on your --
14 should be on your exhibit before you.

15 There was some discussion with Martin, and I
16 think we had a preliminary meeting several weeks ago
17 about should we build a wooden fence or a vinyl
18 fence. We have built both at the St. James Place
19 allotment, which is just north of the Sanctuary in
20 the North Canton school system; however, it is in
21 Lake Township. And we built this particular fence
22 design, wooden, and we also have built a vinyl fence.
23 And over -- that's been up for about 20 years. And
24 over the course of 20 years, the wooden fence has,
25 frankly, held up much better, more attractive than

1 the vinyl fence. When we -- if a tree comes down or
2 some damage to the vinyl fence, to get a replacement
3 it's -- currently doesn't match, and with the wooden
4 fence we don't have that problem. So the wooden
5 fence is a little more expensive for us to install,
6 and certainly more expensive to maintain. As you
7 know, in the agreement that we have provided Martin,
8 our HOA of the Sanctuary is responsible to either
9 paint or stain the fence at a minimum every -- every
10 five years. So we -- we think it would be, frankly,
11 an attractive fence for both the -- our Sanctuary lot
12 owners as well as the lot owners that are on the
13 south side and would be adjacent, the houses on Ninth
14 Street.

15 I'd be happy to answer any questions that the
16 committee may have.

17 MR. MCCLEASTER: Thank you, Mr. DeHoff.

18 And at this point I will throw it out to any
19 comments from the city. Mr. Van Gundy, do you have
20 anything you would like to add?

21 MR. VAN GUNDY: In general, we have had
22 several conversations -- am I coming up on the sound?
23 I'm on now? Okay.

24 MR. MCCLEASTER: Yes, we have you.

25 MR. VAN GUNDY: Thank you.

1 We have had several conversations in
2 coordinating the project for the fence. All of the
3 questions that were presented have been satisfactory
4 answered. In general, staff is in support of the
5 project and recommends approval with the one comment
6 that I would like for planning commission to discuss
7 is, there is a portion in the code in 1133.08 which
8 talks about the smooth side of the fence is to face
9 out.

10 Now, I'm in agreement with the applicant that
11 the side which has the architectural features is a
12 little more of a pleasant sight and that's the intent
13 of that section. The applicant is proposing to place
14 that side of the fence that has the architectural
15 feature towards the residents along Ninth Street.
16 Now, technically that does not meet the letter of the
17 law, if you will, for the zoning code; however, I
18 believe the intent was to put the nicer side of the
19 fence out and agree that that would be acceptable
20 provided there's no objection there.

21 MR. FOX: This is Tim Fox. And I agree, I
22 believe the intent for that ordinance is that someone
23 putting up a wooden fence, that for your -- for your
24 neighbor, when there is one side that's, I guess, for
25 a person's, say, a finished side has the more

1 attractive view, when you have that condition and the
2 less attractive on the other side, that the intent is
3 that the one that's facing your neighbor will be the
4 more attractive side, and I believe that was captured
5 here.

6 MR. MCCLEASTER: Thank you, Mr. Fox.

7 With that, I will throw it out there to the
8 members of the planning commission. Are there any
9 questions or comments?

10 MR. SERRA: What is the height of the fence?

11 MR. DEHOFF: I think 6 feet.

12 MR. MIHALCIN: This is Brian Mihalcin.

13 Is what is being described as the
14 architectural side of the fence the side that shows
15 the cross bracing?

16 MR. DEHOFF: That is correct.

17 MR. MIHALCIN: That would be facing the
18 neighbor?

19 MR. DEHOFF: That would be facing the Ninth
20 Street property owners.

21 MR. MIHALCIN: Okay. I wouldn't describe
22 that as a more attractive side. I would call the
23 smooth side the more attractive side, but that's up
24 for debate.

25 MR. DEHOFF: We would be happy to switch it.

1 Big mistake, but we would be happy to do that.

2 MR. MIHALCIN: Okay.

3 MR. MCCLEASTER: I also wanted to throw out
4 there, I think, Mr. DeHoff, when we talked about
5 this, we had talked about this being set off the
6 property line. And I heard that that is going to be
7 set 2 feet inside of the property line on the
8 Sanctuary side; is that correct?

9 MR. DEHOFF: Yes.

10 MR. MCCLEASTER: Okay. And then I think also
11 we had discussed, and again, just for the record,
12 that that 2-foot strip of land, if the abutting
13 property owner, for whatever reason, would choose not
14 to mow that --

15 MR. YOUNG: Mr. McCleaster, could you please
16 repeat what you just said? You're cutting out.

17 MR. DEHOFF: Would you repeat that? I didn't
18 hear that quite right.

19 (Technical difficulties.)

20 MR. MCCLEASTER: Absolutely. Yes. The fence
21 is going to be set off 2 feet off the property line
22 of the property inside the Sanctuary, so there's 2
23 feet of land up against the existing property owner's
24 land that of that lawn would fall under the
25 responsibility of the homeowner association that's

1 correct.

2 (Technical difficulties.)

3 MR. MCCLEASTER: Absolutely. The comment
4 that I just made is the fence is going to be set off
5 2 feet off of the property line inside the Sanctuary
6 so there's 2 feet of land up against the existing
7 property owner's land that they then would be
8 responsible, or I guess responsible to mow the strip
9 of land there that they may choose to mow or may not
10 mow, and I guess I just want to make sure for the
11 record -- I know we've talked about it, but for the
12 record, that the homeowners association would be
13 responsible for maintaining that 2-foot strip of land
14 should a homeowner, an abutting homeowner, decide not
15 to mow that.

16 MR. DEHOFF: That's correct.

17 MR. MCCLEASTER: Okay.

18 MR. DEHOFF: We have a declaration of feature
19 amenity easement that's been signed by both
20 Mr. Lemmon and myself. We forwarded that to Martin,
21 and it specifically -- in fact, I would be happy to
22 read it, if you would like. Should I read it?

23 MR. MCCLEASTER: I don't know that that's
24 necessary. I think I was just concerned that
25 basically the property would be maintained, unless

1 any of the other members would like to hear that?

2 MR. DEHOFF: No, that's correct. The
3 easement accounts for the fact that if, in fact, the
4 property owner on the south side --

5 MR. YOUNG: Please pause for a moment. We
6 lost our stream.

7 MR. DEHOFF: Mr. Chairman, do you want me to
8 say anything other than what I just said about that
9 the HOA is responsible for maintaining the 2 feet on
10 the south side of the fence in the event that the
11 grass on that 2 feet is not -- is not mowed?

12 MR. MCCLEASTER: Well, I think we're going
13 to -- we'll have you repeat that momentarily. We
14 lost our feed, and as soon as we get that thumbs up
15 we'll have you repeat that again, Mr. DeHoff.

16 MR. DEHOFF: Okay.

17 MR. MCCLEASTER: Ben, I've got the YouTube
18 pulled up next to me. It looks like we've got a
19 stream right now.

20 MR. YOUNG: Yes. I just fixed it. We're
21 good now.

22 MR. MCCLEASTER: Okay. If we're clear to
23 proceed, Mr. DeHoff, would you please repeat what you
24 were just saying.

25 MR. DEHOFF: I'd be happy to, yes.

1 We have the declaration of a feature amenity
2 easement that states that the HOA -- and if I can
3 just take a brief moment here, I'll just read this.
4 "Developer shall initially be responsible for the
5 construction, repair, and maintenance of the fence
6 built upon the easement property, which shall include
7 painting and/or staining the fence at least every
8 five years and regular mowing and trimming, if
9 necessary, of the 2 feet on the south side of the
10 fence. At such time the developer elects to assign
11 this easement to the HOA, the association shall
12 become responsible for the ongoing repair and
13 maintenance of the fence, including the obligation to
14 apply fresh paint and/or stain every five years and
15 the regular mowing and trimming, if necessary, of the
16 2 feet on the south side of the fence. Each lot
17 owner shall maintain his/her/its own landscaping
18 around the fence, if any, as well as the regular
19 mowing and trimming on the north side of the fence."

20 MR. MCCLEASTER: Thank you very much for
21 reading that.

22 MR. DEHOFF: Uh-huh.

23 MR. MCCLEASTER: Are there any other comments
24 or questions from members of the commission before we
25 open it up to the public?

1 MR. MIHALCIN: None.

2 MR. SERRA: None.

3 MR. DALPIAZ: No.

4 MR. MCCLEASTER: At this time, I would open
5 it up -- I'm assuming, Ben, we have the capability of
6 opening up to the members of the community, should
7 they wish to speak?

8 MS. TRAUOGOTT: Yes, we do.

9 MR. MCCLEASTER: Are we paused again or are
10 we waiting for members of the public?

11 MR. YOUNG: If there are any members of the
12 public currently in the call, everyone should be
13 unmuted and able to speak.

14 MR. MCCLEASTER: Okay. Thank you.

15 At this time, if there's anybody who wishes
16 to speak on this, please state your name and address.
17 And it appears as though we don't have anybody who is
18 interested in speaking on this so I guess I'll bring
19 it back to the commission and I will put it out there
20 for a motion.

21 MR. MIHALCIN: This is Brian Mihalcin. I
22 will motion to approve, with the stipulation that the
23 smooth side of the fence face the south properties.

24 MR. MCCLEASTER: We have a motion on the
25 floor from Member Mihalcin. Do we have a second?

1 MR. SERRA: Tom Serra will second it.

2 MR. MCCLEASTER: We have a motion and a
3 second. And at this point could we ask the clerk to
4 please call the roll.

5 MS. TRAUOGOTT: Okay. Mr. McCleaster?

6 MR. MCCLEASTER: Yes.

7 MS. TRAUOGOTT: Mr. Dalpiaz?

8 MR. DALPIAZ: Yes.

9 MS. TRAUOGOTT: Mr. Serra?

10 MR. SERRA: Yes.

11 MS. TRAUOGOTT: Mr. Volas?

12 MR. VOLAS: Yes.

13 MS. TRAUOGOTT: And Mr. Mihalcin?

14 MR. MIHALCIN: Yes.

15 MR. MCCLEASTER: Thank you very much. And
16 thank you for joining us, Mr. DeHoff, this evening.

17 And with that we will move on to -- I guess
18 let's go back to, if we have the applicant here on
19 the phone, for our adjudication hearing for the
20 monument/clock tower at Walsh University. At this
21 time I would ask if that applicant is here, if they
22 could come off mute to give us their name, the
23 company they represent, and their address. And we
24 would like to hear about this project.

25 MR. CAPLEA: This is Joe Caplea. Am I off

1 mute?

2 MR. MCCLEASTER: We can hear you. Welcome.

3 MR. CAPLEA: Okay. Thank you.

4 Joe Caplea, 11700 Cleveland Avenue,
5 Northwest, Uniontown.

6 MS. TRAUOGOTT: Excuse me. Excuse me, sir.

7 MR. CAPLEA: I am the architect for the --

8 MS. TRAUOGOTT: Excuse me, Joe.

9 MR. CAPLEA: I'm sorry.

10 MS. TRAUOGOTT: We'll need to swear you
11 before -- before speaking. Give me just one moment,
12 okay?

13 MR. CAPLEA: Okay. Even though I was already
14 sworn in before? That's all right. Go ahead.

15 MS. TRAUOGOTT: You were sworn in previously?

16 MR. CAPLEA: Well, I was on. You couldn't
17 hear me. I was muted. But yeah, I was on, I had my
18 hand raised and did it the first time.

19 MR. MCCLEASTER: That's sufficient. Thank
20 you, Mr. Caplea.

21 MS. TRAUOGOTT: Thank you.

22 MR. CAPLEA: Okay. Not a problem. Should I
23 go ahead and proceed?

24 MR. MCCLEASTER: Yes, sir.

25 MR. CAPLEA: Thank you.

1 In order to keep me on target, I basically
2 put together an agenda, so I'll try to go through
3 quickly and just hit the major points on the project.

4 Martin, would it be possible to put up your
5 different exhibits so that I could click on those as
6 I'm going through? And that's a good start right
7 there. Thank you.

8 I'm just trying to see if I can move that.
9 Anyway, just starting with it, this is for the Walsh
10 clock tower/monument. This is part of the former BP
11 site at Market and East Maple. We have 155 feet on
12 the -- approximately, on the East Market side and --
13 or the East Maple Side and 163 feet on the Market
14 side. It totals about .578 acres.

15 Last late summer/fall, North Canton approved
16 the zone change from the original BP business to park
17 and institutional for -- and it was approved last --
18 and I don't have the exact date but it was last late
19 summer or fall.

20 And then if I could go to the next sheet,
21 1.2, please.

22 MR. VAN GUNDY: Hey, Joe, are you on the
23 computer?

24 MR. CAPLEA: Yes, I am.

25 MR. VAN GUNDY: If you would like to select

1 "Take Controls," you can go through those exhibits.
2 We have several exhibits.

3 MR. CAPLEA: We do. So what do I need to do
4 to click on that, because my mouse is there.

5 MR. VAN GUNDY: At the top of the screen, it
6 say "View Options."

7 MR. CAPLEA: Okay.

8 MR. VAN GUNDY: If you push the mouse to the
9 top and click on "View Options" and then request
10 control.

11 MR. CAPLEA: Okay. I don't know if I'm
12 getting control. I'm on Mr. DeHoff's letter right
13 now.

14 MR. FOX: Yeah, that's what we see.

15 MR. CAPLEA: I want to get to Sheet 1.2 but
16 I'm still not -- it says you are controlling North
17 Canton screen, but I --

18 MR. MCCLEASTER: We can see the screen
19 moving.

20 MR. YOUNG: It's one of the other tabs at the
21 top, sir.

22 MR. CAPLEA: Wait a minute. Application.
23 Okay. Yeah. I should be able to do it here. Okay.
24 Okay. 1.2, so I can get there. All right.

25 Sheet 1.2, again, this just shows the BP site

1 on the corner and it shows that we are basically more
2 than 300 feet from the nearest residential use, which
3 would be just south of McDonald's. I've got an arrow
4 on there that shows that we are approximately
5 570 feet to the parcel with that residence on the
6 corner. The -- and this was -- we just wanted to
7 have the campus map just so we showed our
8 relationship to the residential.

9 Okay. The site survey, basically what shows
10 here is, again, it's an aerial, or it's a regular
11 survey with an aerial photograph on it that just
12 shows that the site, the way it is right now, it's
13 pretty much just the old paving that has remained
14 from the BP station and then they tore the building
15 down and they put gravel on that, but basically a lot
16 of hard surface just remains on that site. The --

17 Sorry I'm taking so long in between but it
18 wants to not get back as quickly.

19 MR. MCCLEASTER: That's all right. Take your
20 time, sir.

21 MR. CAPLEA: Okay. Sorry about that. Almost
22 there.

23 Okay. This is our site plan, and again, we
24 have our Market Avenue and our Maple Street. At the
25 center of the site basically is our -- I'm going to

1 say it's about 256 feet square, 215 square feet
2 structure -- it's not really a building, no occupancy
3 is going to be inside of it -- and I have that in the
4 center, which is going to basically house statues
5 from the original founders of -- of Walsh or the
6 chapter in Maine. These are historic statues that
7 are coming down and they are going to be set
8 underneath the statue. We have basically sidewalks
9 coming in from both the -- I'll say north and east
10 sides, and then we show another sidewalk coming back
11 to an existing gravel parking lot that would be right
12 adjacent to the baseball building. Again, it's
13 gravel, and down the road this will be improved, and
14 then we are showing where they would pick up
15 handicapped accessible parking spaces here adjacent
16 to our site.

17 Basically we have concrete sidewalks. The
18 cross sidewalks in the structure itself are going to
19 be a textured stained concrete and then the pavers on
20 the four corners are going to be similar to the
21 pavers and stone edge that are installed throughout
22 campus currently.

23 Okay. The next plan is our landscape plan.
24 And this was put together by Enviroscapes. And you
25 can see our main center here and then our patio area

1 around that, our statues will be in the center and
2 then we have landscaping around the perimeter of
3 that. In the front we have a low wall, stone wall,
4 and then there will be some lighting on that, and we
5 have pictures of what that would look like, and these
6 will mostly be annuals up here so they will change
7 with the season. Then we've got existing trees to
8 the west. We've added additional trees to the south
9 as a buffer, and then we have major planting areas on
10 each entrance of the sidewalk to our site. We don't
11 have trees, shrubs around the open perimeter facing
12 Maple and Market, again to keep the view through
13 Walsh statues in this monument visible.

14 More planning details. This is Kevin's civil
15 drawings, which basically is taking out all the
16 pavement and then we're just picking up -- it's going
17 to be mostly grass areas except for the sidewalk, and
18 then where the statues are will be concrete path.
19 The rest of it's going to be grass area with the
20 landscaping we just reviewed. The amount of paving
21 that's remaining is less than the paving that was --
22 that is being demolished as part of the demo part of
23 the project.

24 C-200 is just a series of site drawings, and
25 we have -- it's not raised up on a high mound, it's

1 basically just a little bit higher than the sidewalk
2 on Market. So again, it isn't going to be down in
3 the hole, so it's basically just a little bit higher
4 than that sidewalk.

5 This is structural drawings, which basically
6 our building is a steel structure with masonry and
7 stone on the lower portion and synthetic plaster on
8 the upper portion. And those are just all the steel
9 columns and steel framing that are going to be part
10 of the project supporting.

11 Okay. This is our Sheet 4.1, our floor plan
12 sheet. Or it was there. It's coming.

13 So basically on this sheet -- I'm going to
14 raise it up a little bit more.

15 Right here we see the ground-level plan. We
16 see the ground-level plan. This is where the statue
17 is located in the center of that and then this is all
18 basically a concrete pad and -- with the statues in
19 the center. These four corners are our steel in the
20 center, block and brick stone at the -- at those
21 areas. Then we go up and we have the clock level and
22 we have access to get into that space so that we
23 can -- we have the four clock faces that are tied
24 together, and they are on a computer system in that
25 space. It's like the ceiling plan.

1 I'll talk here and I'll show again, when I
2 get to the sections, where some of the lighting in
3 this area is, but here you can see we have four
4 circles which are down lights that are going to be
5 located up in the ceiling above the statues, be
6 shining down on the statues, and then I'll let our
7 electrical civil engineer talk through that later on
8 when we get into lighting in more detail.

9 The -- this is the roof plan. Basically
10 that's just like an EPDM roof system that we have
11 drains in there, and then in the four corners we have
12 our support for the spire that goes up, and then I've
13 got -- and he'll show, too, because we have lighting
14 fixtures here that will be mounted, and you'll see
15 them in the electrical drawings, that will be mounted
16 to these vertical posts of the spire and then that
17 will be shining up to highlight that. And again,
18 Kevin will talk more to that when we get to that
19 point.

20 This is my section and I'll go through here.
21 Again, our statues that will sit on their existing
22 granite base and then we will, at this level, which
23 will be the floor of the clock tower itself, or the
24 clock area, will have down lights that will shine
25 down into that. So again, that won't spill out much

1 away from that.

2 And then we come up and we have the spire
3 portion of that. Now from -- I'm just going to go
4 and give the dimensions on that just so you know
5 where we are height-wise. From the grade to about,
6 I'll call it the parapet area, is about 24 feet. And
7 then from that point up to the top we're 24-9, so our
8 overall height of everything is 48 feet, 9 inches.
9 Now, that -- in going through our premeeting with
10 part of the group and the city, that meets -- that's
11 less than the zoning required height and also is less
12 than the building code height permitted for this
13 building. And then these are just some more details
14 showing that our parapet and then how the steel spire
15 comes down and rests on the beams.

16 All right. Kevin, do you want to take over
17 now on the lighting portion of it? Yeah, go ahead.

18 MR. NOBLE: This is Kevin Noble. Can you
19 hear me?

20 MR. MCCLEASTER: Yes, we can.

21 MR. NOBLE: Okay. My name is Kevin Noble
22 from the engineering firm Scheeser Buckley Mayfield,
23 1540 Corporate Woods Parkway, Uniontown, Ohio, and I
24 was also sworn in with Joe at the beginning of the
25 meeting.

1 So our office provided engineering services
2 for the project, both electrical and site civil. On
3 the site civil end of things we did grading and we
4 did storm sewer. The site currently slopes towards
5 East Maple Street and there is a basin on-site that
6 basically connects the storm sewer that crosses East
7 Maple, and that was kind of the junction that we used
8 with the gas station for the overland runoff. We're
9 using the same system. We're putting some small
10 basins around just to make sure that we don't have
11 any ponding on-site. We do have less impervious area
12 now than we did before, so we're actually reducing
13 our water runoff into that system. So that's a
14 little bit on the site for the grading and the storm.

15 We also did electrical, and so Joe's talked a
16 little bit about it but I guess I wanted to kind of
17 give you a summary of the different type of fixtures
18 that you'll see with this project. We have two
19 different sets that are serving the tower itself. We
20 have four recessed lights that Joe showed on the
21 ceiling space, and those are down lights, and they
22 shine on the statues. We then have four up lights
23 with shields. They are on the spire itself. They
24 are mounted on the spire and they will -- they are
25 faced up -- upwards.

1 We did photometrics for this project and we
2 submitted that with our application. Code says no
3 more than .5 foot candles at the property line, which
4 we've done. We also tried to do the same thing with
5 the top of that spire, just trying to control or
6 minimize any type of the atmospheric pollution that
7 we have, and we were pretty successful to do that.
8 The programs -- the photometric programs out there
9 aren't really made to do something in a vertical up
10 direction but I think we've got a pretty good handle
11 on that. So we were simply trying to be sensitive to
12 atmospheric pollution and trying to stay at the top
13 of the spires. We have .5 foot candles and what we
14 have below.

15 So those are the two different groups that we
16 have on the tower itself. We have three, then,
17 different types, one site on the ground. These three
18 different types I'm going to talk about, these are
19 all low voltage. They're 12 voltage systems --
20 12-volt systems. We have pole lights, and one pole
21 light's going to be on each of the three sidewalks
22 that are coming into the tower. That's one group of
23 fixtures.

24 Then we have eight -- yes, we have eight
25 accent lights, and these accents lights have cutoffs

1 to them, and these accent lights, they are pointed
2 upwards and they're underneath eight of the trees
3 that are being planted on the project.

4 And then the last set are we have five wall
5 lights, accent lights again, and they're facing the
6 wall that is the monument wall that we have for the
7 project. And what we've done with those, those
8 actually have cutoffs to it. We're trying to be
9 sensitive to any glare that we would get off Market
10 Avenue North or East Maple Street, and so the way we
11 have those aligned, and that's kind of shown on our
12 E-200 plan, but the way we have those aligned, we
13 have them pointed inward to the side away from the
14 road, and on the plans we have kind of put some
15 arrows and put some boundary lines showing what the
16 illumination will be. So those are the five
17 different types of fixtures that we have on this
18 project.

19 MR. MCCLEASTER: All right. Well, thank you
20 very much for the presentation you have here, and I
21 guess with that I'm going to see if there are any
22 comments from the city.

23 Mr. Van Gundy, do you have anything to add?

24 MR. VAN GUNDY: Yes, sir. Thank you.

25 We also did a pre-application meeting and had

1 several conversations and followup. I would like to
2 say we appreciate the design thought that went into
3 the project and look forward to seeing this being a
4 vital part of one of the gateways into the city.

5 The project does meet the requirements of the
6 zoning code. The staff does recommend approval for
7 the conditional use permit for the project. I also
8 included as part of the agenda packet a letter from
9 the fire department, actually on this project and the
10 previous one, and the fire department approved as
11 submitted as well.

12 MR. MCCLEASTER: Thank you very much,
13 Mr. Van Gundy.

14 And I think -- I just want to mention that we
15 are, at this point, we would be voting, or looking
16 for a motion or, I guess, excuse me, I guess
17 questions from the rest of the commission members,
18 but this is in regards to the conditional use portion
19 of the agenda. So if there's anything from the
20 members.

21 MR. MIHALCIN: This is Brian Mihalcin. Just
22 a real quick comment. I think this is a great
23 addition to this corner, and I think Caplea and
24 Enviroscapes did a great job with this.

25 MR. MCCLEASTER: I think I would agree as

1 well, Mr. Mihalcin.

2 Any other questions or comments from the
3 members of the planning commission?

4 MR. SERRA: Yeah. This is Tom Serra.

5 Just, Mr. Caplea, can you just address for
6 the planning commission your -- I'm understanding you
7 going to have security cameras that will be in the
8 area?

9 MR. NOBLE: Hello. This Kevin. Can you hear
10 me?

11 MR. MCCLEASTER: Yes, we can hear you.

12 MR. NOBLE: Okay. I think Joe is saying he
13 is still muted so he could not respond, but I can
14 respond to that question.

15 Right now we are taking conduits out to that
16 site. So the project specifically doesn't have them
17 in it, but the intent is when they further develop
18 the area, I mean, that kind of baseball area with the
19 parking lot, that they're going to put some cameras
20 out there. But right now we're just going to pull
21 some conduit from the baseball building and put them
22 out there to handhold for future security reasons.

23 MR. SERRA: Thank you. So the area is going
24 to be well lit but it's not going to be too bright
25 for traffic. There is a -- on the platform where the

1 statues are, there is an elevation change, but it's
2 not really intended for people to necessarily walk up
3 for handicap, it's just to be able to walk around it;
4 is that correct?

5 MR. NOBLE: That is correct.

6 MR. SERRA: Thank you.

7 MR. MCCLEASTER: Thank you, Mr. Serra.

8 Are there any other comments? Or is there
9 a -- at this point -- I'm sorry.

10 MR. VOLAS: I just want to -- yeah, this is
11 Peter Volas.

12 What is the timeline for the project?

13 MR. CAPLEA: Well, I'll probably ask Marty,
14 what's the status of the approval on the drawings
15 that we submitted? And if we're ready to go, I'm
16 assuming that they would start construction almost
17 immediately. That's what the intent was before the
18 virus.

19 MR. VAN GUNDY: This is Martin here.

20 Your plans are approved. We'll be able to
21 issue a permit as soon as tomorrow. Provided the
22 project is issued the approvals tonight, we can issue
23 permits tomorrow on that.

24 MR. CAPLEA: Thank you, sir.

25 MR. MCCLEASTER: Thank you, Mr. Van Gundy.

1 MR. FOX: Mr. Chairman, I believe at this
2 point, because this is part of the adjudication
3 hearing, if there are members of the public that wish
4 to offer evidence for or against the application it
5 would be appropriate for the commission to hear those
6 before it takes its vote.

7 MR. MCCLEASTER: Thank you very much,
8 Mr. Fox. That's correct.

9 Yes, is there anybody from the public who
10 wishes to offer evidence for this portion of the
11 adjudication hearing? Is that someone trying to come
12 on? Or is that not the case?

13 MS. TRAUGOTT: Nobody is unmuted from the
14 public.

15 MR. MCCLEASTER: Okay. Well, thank you.

16 I guess with that then I guess I'll bring it
17 back to members of the commission. Do we have a
18 motion for the conditional use for this project?

19 MR. SERRA: I will make this. Tom Serra. I
20 will make the motion to approve the conditional use
21 permit for the monument/clock tower at Walsh
22 University.

23 MR. MCCLEASTER: We have a motion on the
24 table. Do we have a second?

25 MR. MIHALCIN: This is Brian Mihalcin. I'll

1 second.

2 MR. MCCLEASTER: Thank you very much,
3 Mr. Mihalcin. We have a motion and a second. Will
4 the clerk please call roll?

5 MS. TRUGOTT: Yes. Mr. McCleaster?

6 MR. MCCLEASTER: Yes.

7 MS. TRUGOTT: Mr. Serra?

8 MR. SERRA: Yes.

9 MS. TRUGOTT: Mr. Dalpiaz?

10 MR. DALPIAZ: Yes.

11 MS. TRUGOTT: Mr. Volas?

12 MR. VOLAS: Yes.

13 MS. TRUGOTT: And Mr. Mihalcin?

14 MR. MIHALCIN: Yes.

15 MR. MCCLEASTER: Thank you very much.

16 Okay. So the conditional use portion, which
17 is Item No. 4 on the agenda, has passed. And that
18 will bring us into Item No. 5, which is -- this is
19 the application. This is the preliminary and final
20 development plan for the monument/clock tower at
21 Walsh University. Is there anything additional that
22 needs to be added from the applicant?

23 MR. CAPLEA: I think we're good with the
24 information we presented. If there's any other
25 questions, we would be glad to address them for you.

1 Thank you.

2 MR. MCCLEASTER: Thank you, sir.

3 And Mr. Van Gundy, anything additional to add
4 before we vote or move on the process for this?

5 MR. VAN GUNDY: No, sir. We covered it
6 fairly well during the presentation of the
7 conditional use permit. Staff is also in support of
8 approval on both development plan reviews on the
9 project and again look forward to seeing its
10 completion.

11 MR. MCCLEASTER: Thank you, Mr. Van Gundy.
12 Anything from the commission members?

13 MR. SERRA: No.

14 MR. MCCLEASTER: Anybody from the general
15 public have any further comments in regards to the
16 clock tower?

17 With that, I would entertain a motion.

18 MR. DALPIAZ: This is Eric Dalpiaz. I will
19 make a motion to approve.

20 MR. MCCLEASTER: We have a motion from
21 Mr. Dalpiaz. Do we have a second?

22 MR. SERRA: Tom Serra will second it.

23 MR. MCCLEASTER: We have a motion and a
24 second for the approval -- or for the item as
25 presented. Could we please call for a vote.

1 MS. TRUGOTT: Mr. McCleaster?

2 MR. MCCLEASTER: Yes.

3 MS. TRUGOTT: Mr. Dalpiaz?

4 MR. DALPIAZ: Yes.

5 MS. TRUGOTT: Mr. Serra?

6 MR. SERRA: Yes.

7 MS. TRUGOTT: Mr. Volas?

8 MR. VOLAS: Yes.

9 MS. TRUGOTT: And Mr. Mihalcin?

10 MR. MIHALCIN: Yes.

11 MR. MCCLEASTER: Thank you very much. All
12 right. Item has passed.

13 We have previously discussed Item No. 6 on
14 the agenda so we're going to move on to No. 7. And
15 what this is, this is a resolution requesting the
16 planning commission to recommend to city council
17 amendments to the North Canton codified ordinance.
18 This would be chapter Section 1133, Single-Family and
19 Two-Family Residential Districts, 1133.08, Accessory
20 Use Regulations, Subsection E, which has to do with
21 fences and walls.

22 And with that, Mr. Van Gundy, are you able to
23 walk us through this?

24 MR. VAN GUNDY: Yes, I am. We are pulling up
25 the exhibits here. As soon as we get those pulled up

1 here I will request control of the screen. We should
2 be getting started here. There's a bit of a delay.
3 I see what Mr. Caplea was experiencing.

4 Okay. So in general, this item proposes a
5 complete strikeout of the existing language found in
6 1133.08(e). We would be taking all of that
7 subsection out and replacing it in its entirety with
8 the proposed language here on the screen, and this
9 does several things. This provides regulations for
10 fences that we don't currently have. It also
11 addresses walls and hedges, which we do not currently
12 have; that is unregulated. One thing to note on that
13 is if this does move through the legislative process
14 and ultimately gets adopted, once it's enacted any
15 existing installations would still be regulated under
16 the current rules.

17 So let's say there are hedges that are in
18 violation of the new ordinance, those can remain as
19 long as they qualify as a nonconforming use in the
20 code, which identifies particular criteria, how
21 they're to be maintained and explicitly states you
22 can't expand it or, in some cases, can't replace
23 them. And at any rate, this new fence ordinance
24 wouldn't be, you know, sweep across the city and, you
25 know, get everything in compliance.

1 So with that clarification, this first
2 paragraph, if I can get the screen to go back to the
3 first paragraph, at any rate, it talks about and
4 clarifies a zoning certificate, when it's required,
5 and also talks about when it's not required. And
6 essentially a new fence would require a zoning
7 certificate. And this, again, we don't have this
8 current clarification on when a zoning certificate
9 applies to fences.

10 Now, this, you'll find there's language that
11 talks about repairs of existing fences, you know, in
12 general does not require a zoning certificate
13 essentially. A fence can be repaired without having
14 to come and get a permit for the fence. Or a zoning
15 certificate, rather. We often will synonymously
16 refer to the zoning certificate as a permit.

17 The second subsection, B, talks about, you
18 know, hedges and those invisible fences that are
19 often underground used for keeping pets on the
20 property. Those would not require a zoning
21 certificate as well.

22 So the next section where we get into the
23 general requirements, here we're starting to clarify
24 and define really the dimensions that are outlined
25 already, and they have been utilized through the ODOT

1 standards. This puts it in with the fence ordinance
2 and clarifies, you know, what is that, that safety
3 vision clearance for traffic. And in, you know,
4 corner parcels where we have the four streets at the
5 intersection, essentially, as you see in the diagram
6 on the screen, it's 30 feet in each direction. And
7 where that becomes important is here not too much
8 further ahead, it does limit the height of the fence
9 in those areas generally to 3 foot.

10 On the next page -- try to get that clicked
11 over -- here it starts clarifying, or establishing,
12 rather, a site triangle for driveways where they
13 intersect with streets. So, you know, folks can pull
14 in and out of their driveway without having a fence
15 obstruct their vision in pulling out onto the street.
16 And, as you know, some of the streets are very busy
17 and you need that area to see the oncoming traffic.

18 Let's see. This does not want to be moving
19 ahead. I apologize for that. Hard to gauge where
20 it's going to end up. Jump ahead too far. It might
21 have jumped quite a bit ahead.

22 At any rate, there's, again, clarification in
23 there which, you know, talks about where fences can
24 and cannot encroach. For example, obviously they
25 need to be maintained on the property in which the

1 property owner is. And you would think that's
2 common; however, we often see fences that, you know,
3 someone trying to maximize their property and
4 generally not so much paying attention to the actual
5 property lines. So there's some clarification in
6 that.

7 So maintenance -- now, or materials, rather,
8 it talks about the materials of the fence. There's
9 some clarification in here. It talks about, you
10 know, prohibiting electric fences, barbed wire fences
11 or, you know, other types of even razor wire fences
12 and those types of things. There are other sections
13 within the code which prohibit some of this but,
14 again, it puts it in with the fence ordinance and it
15 makes it part of the zoning review where some of the
16 other places that you'll see some of these is in more
17 of a criminal part of the code. So the list does
18 clarify the types of fence materials permitted in
19 front yards.

20 Now, I do see in here where, you know, some
21 of these lists can be modified, and if it is voted on
22 as an approval, you know, we can modify these to send
23 it on to city council as a recommendation with
24 changes. So if you are seeing changes which you'd
25 like to see, you know, happy to talk about those as

1 well.

2 Okay. So clarification on the measurements.
3 This talks about, of course, where the property line
4 is parallel, or the fence, rather. It doesn't
5 necessarily need to be on the property line, but if
6 the fence is parallel to either an incline or decline
7 that's -- that's the detail we're seeing here that,
8 you know, we do need to take into consideration
9 within that 3-foot area away from the fence.

10 The next detail we're seeing here is
11 clarification where the fence is running across the
12 contour. This makes it a requirement that the fence
13 follows the contour so we're not seeing those gaps
14 underneath the fence, and we do see those at times.

15 Let's see. Again, some more clarification on
16 the height of the wall, if it's put on top of a
17 retaining wall. That jumped ahead quite a bit again.
18 I'll get back to that. We'll start getting into
19 retaining walls here. I do want to go over some of
20 that.

21 In general, we don't have anything which
22 specifically regulates retaining walls. I mean, in
23 some cases it is a fence and other cases it's not,
24 and it wouldn't necessarily have zoning regulations
25 that talks about how to configure or place the

1 retaining wall in relation to property lines or even
2 site distances to the road. The proposed language
3 would have some limitations on heights of the wall.
4 Also talks about when -- essentially when a building
5 permit's required that it needs to go through the
6 chief building official for application of either the
7 Ohio Building Code or the Residential Code of Ohio.
8 Also talks about, you know, has language that would
9 limit essentially a high wall or a tall retaining
10 wall on a property line.

11 Theoretically, with our current language we
12 can have a retaining wall right to the property line
13 where maybe the house sets up higher than the road,
14 so when you're walking on the sidewalk, you know, you
15 could be up against a 6-foot, 8-foot high retaining
16 wall where the slopes warranted that. The language
17 proposed here does require some terracing so it's a
18 bit more appealing, we get some landscaping in there
19 and we don't end up with the very tall wall at the
20 right-of-way. And there's a picture in there which I
21 think it skipped past when trying to progress in the
22 proposed language here.

23 Is there any questions through this, up to
24 this point?

25 MR. MIHALCIN: Yes. This is Brian Mihalcin.

1 One question I had, kind of minor, is with
2 regard to hedgerows in that they would be -- anything
3 new would be regulated for height? And I'm thinking
4 about the scenario where you've got an intersection
5 where you've got new hedgerow that's regulated by
6 maintenance and on another corner could be
7 unregulated based on it having already been
8 grandfathered in.

9 MR. VAN GUNDY: That certainly could exist
10 where the -- of course, the new installation of the
11 hedgerows would be required on that.

12 Now, in regards to some of the sight
13 distances, those, because it is a safety hazard to
14 the traffic, those -- those have not been given the
15 same exception to the zoning code. So if it is
16 indeed obstructing traffic, we do contact the
17 property owner and have them modify the landscaping
18 so as to not prevent traffic from seeing around the
19 corner in that safety triangle.

20 And more looking at it from an ODOT standard
21 as opposed to a zoning standard where this, you know,
22 would have clear language in the zoning code and we
23 would have it as part of, you know, not so much on
24 the hedges but on the fences we would have that as
25 part of the review process.

1 MR. SERRA: Okay. This is Tom Serra.

2 So under Materials, you don't have masonry.
3 What about all the masonry walls that are on Main
4 Street?

5 MR. VAN GUNDY: So this -- this does only
6 apply to the residential zoned districts. So
7 theoretically, just off memory I don't know that we
8 have any residential zoned districts on Main Street
9 so this would not be a conflict with the masonry wall
10 on Main Street. However, if that is a material that
11 we would like to see in there, you know, we can
12 certainly put that in there. Not really intended to
13 be an all-encompassing list but, you know, if
14 there's -- we can certainly modify that.

15 Another one is chain link. Chain link is not
16 on that list, but is a fairly common type of fence.
17 And they can, of course, be done so they are
18 appealing but you get some of the chain link fence
19 that are not so appealing, particularly where you put
20 the privacy slats in there and, of course, don't
21 maintain that. Some of the color-coded chain link
22 fences, you know, could be something that we consider
23 as part of the front yard particularly, if that's the
24 direction we want to go in.

25 MR. SERRA: So in a residential area where

1 some people have, like, a masonry lamppost or
2 entrance into their residence, is that going to be
3 considered a wall? I mean, they have, like, a brick
4 column.

5 MR. VAN GUNDY: I don't believe so.
6 That's -- that's going to fall under our current
7 definitions, and that sounds like it's -- that may be
8 something that is still not specifically regulated in
9 the zoning code but it would not be -- if it's
10 limited to that feature, generally it wouldn't define
11 those as a fence or a wall. If I'm picturing what
12 you're -- what you're saying, that is.

13 MR. MIHALCIN: I think you'd have to clarify
14 that based on the definition of a fence, possibly by
15 length.

16 MR. VAN GUNDY: Yeah. And that's the next
17 definition I'm looking for in the current
18 definitions. And a fence is defined as any structure
19 composed of wood, iron, steel, masonry, stone or
20 other material erected in such a manner and in such
21 location as to enclose, secure, partially enclose or
22 secure, provide privacy, decorate, define or enhance
23 all or any part of the perimeters. That's a fairly
24 broad definition. Yeah, I don't know that we
25 would -- we would put that in that definition though.

1 MR. FOX: I would agree with you,
2 Mr. Van Gundy. I think in a reasonable type of
3 definition there that it sounds more like of a
4 decorative pedestal or something for the light, a
5 pole or, you know, mailbox, perhaps something along
6 those lines that in that type of application it
7 wouldn't be unreasonable not to include that as far
8 as a definition of a fence.

9 MR. VAN GUNDY: Okay. Thank you.

10 MR. MIHALCIN: I've got one other comment as
11 far as clarification on the types of fence allowed.
12 I don't want to sound too restrictive, but I really
13 don't think there's any place for a chain link fence
14 in a residential, regardless if it has slats or not.
15 Is there any way of restricting chain link as not
16 appropriate for a front yard?

17 MR. VAN GUNDY: So as the language is before
18 you, it does not include or permit, if you will,
19 chain link fence in the front yard. And if I can get
20 back to the previous page, we can look at that
21 language. If it doesn't jump too far backwards.

22 MR. FOX: I agree with Mr. Mihalcin. I don't
23 believe that we have any currently -- or that there
24 is any desire to see chain link fences in the front
25 yards.

1 MR. MCCLEASTER: Right. And I concur as
2 well.

3 MR. VAN GUNDY: Okay. If you have the
4 exhibit, this would be Exhibit 7-2 on page 3 of 6,
5 Item C towards the top of that page, it does say the
6 style or type of fence permitted in the front yard
7 shall be picket, split rail, wrought iron, solid
8 vinyl, painted aluminum, welded steel or hedges.
9 Chain link is not included in that. So if this were
10 to proceed as presented, it would not allow chain
11 link fence in the front yard.

12 MR. MIHALCIN: Okay.

13 MR. MCCLEASTER: Thank you, Mr. Van Gundy.
14 Are there any other questions as of this
15 point before Mr. Van Gundy proceeds?

16 MR. MIHALCIN: No.

17 MR. VAN GUNDY: Okay. So another -- was
18 there one more? Okay.

19 MR. SERRA: Well, yeah, I guess I want to go
20 back to the masonry issue, whether you add that
21 because, you know, let me use an example. Going to
22 Fieldcrest, there is a masonry wall. And people do
23 build, going into the residential allotments, walls
24 at their entrance drives. So should masonry be
25 really added as an accepted material? I just want to

1 make sure we're not missing this. I mean, I'm using
2 Fieldcrest because everyone knows that; right?

3 MR. MCCLEASTER: I think Bob-O-Link has
4 something similar as well.

5 MR. SERRA: You're right, yeah.

6 MR. VAN GUNDY: And if that is the -- excuse
7 me -- the desire the commission would like to go, I
8 would recommend that we try to be specific in the
9 masonry. As you know, the CMU is technically -- the
10 concrete masonry unit is technically a masonry wall
11 and those are not appealing in the least bit, as you
12 know.

13 MR. SERRA: Well, unless I put stucco over
14 it. I know I'm making this a lot more complicated
15 but I just want to make sure, you know, I could see
16 that could happen. To having some type of hard
17 surface material. So I just want to make sure we're
18 not missing it.

19 MR. DALPIAZ: This is Eric Dalpiaz.

20 Mr. Van Gundy does -- I guess, this is
21 somewhat confusing when we're talking about fences
22 and ultimately walls because we're defining a fence
23 but then we also reference walls throughout this
24 section, and I guess in the wall definition, is that
25 defining masonry or that's -- I think that's leading

1 to some of the confusion with this. Because, to
2 Mr. Serra's point, you know, people do do masonry
3 walls in the front of the yard or, you know, beside
4 the driveway in the entrance to a home that's on a
5 larger lot so I wouldn't consider that a fence. I
6 would consider that a wall. So is the wall being
7 defined somewhere that what materials are acceptable
8 for a wall? Because, you know, in this, some of
9 this, you know, it talks about fences or walls,
10 fences or walls and then it defines a fence, you
11 know, being somewhat opaque but a wall being solid.
12 And fences or walls, I guess that's the question
13 where is "wall" defined, what it is defined as
14 because I wouldn't consider what Mr. Serra is saying
15 as a fence, I would consider, well, that would fall
16 under the wall section.

17 MR. MCCLEASTER: I agree with logic. A board
18 on board fence is not a wall; right?

19 MR. DALPIAZ: I guess that's what's kind of
20 partially, the way some of this is written, it kind
21 of conflates the two -- the two definitions. And
22 kind of crosses them over somewhat where it seems
23 like they should be more specifically separated, I
24 guess.

25 MR. VAN GUNDY: That is a good point, and I

1 don't see where the wall materials, where we are
2 specific to say retaining wall versus a front yard.

3 MR. MIHALCIN: I would agree. And
4 specifically in reference to a landscape wall as to
5 retaining wall where one has structural properties,
6 the other does not.

7 MR. VAN GUNDY: Right. Right. Yeah, so I
8 will make a note here to clarify on the materials,
9 that materials section would apply to the walls,
10 particularly when we can add a section there which
11 clarifies that the masonry walls are permitted with
12 some language to keep it more of an architecturally
13 pleasing wall as opposed to having just a plain CMU
14 wall on the front of the property.

15 MR. MCCLEASTER: Do we need to define that
16 further as to what materials or -- or I guess is
17 leaving it just saying it needs to be decorative in
18 nature or more pleasing to mean does that cover our
19 bases here for what we're trying to accomplish?

20 MR. SERRA: That works for me.

21 MR. MCCLEASTER: Okay.

22 MR. MIHALCIN: I think if you go any further
23 than decorative you're verging on architectural
24 review type of --

25 MR. MCCLEASTER: Good point. Good point.

1 MR. SERRA: I agree.

2 MR. VAN GUNDY: Okay.

3 MR. MCCLEASTER: Okay. Any other comments or
4 questions as of this point? Okay.

5 Mr. Van Gundy, you can take us further into
6 this, if you would like.

7 MR. VAN GUNDY: Okay. So --

8 MR. MCCLEASTER: One more page; right?

9 MR. VAN GUNDY: I think we're halfway.

10 MR. MCCLEASTER: Oh.

11 MR. VAN GUNDY: Yeah. So on the -- on the
12 height of the wall for solid fences, we're keeping
13 with the existing language on the height or the
14 24 inches. You know, particularly, you know, in the
15 front yard or side yards. One exception that is new
16 here that, you know, we're trying to get some of
17 these fences to be more consistent with readily
18 available product. The current ordinance requires
19 now where they can exceed the 24 inches by going to a
20 more open-type fence, they can do the 36 inch fence.
21 That material, as I understand, which has been
22 reported to us through a couple different fence
23 contractors and several residents that the 36-inch
24 fence is a special order item and they end up paying
25 a significant stipend to order that 36-inch fence as

1 opposed to the 48-inch fence. What this exception
2 does on the paragraph -- I'm on page 3 of 6. Excuse
3 me. That's -- I'm looking at --

4 MR. SERRA: Page 5.

5 MR. VAN GUNDY: Yeah, 5. Thank you. Get
6 back to that. The top of page 5. So, yeah,
7 Mr. McCleaster, you're correct. I stand corrected on
8 the number of pages left here.

9 MR. MCCLEASTER: No problem.

10 MR. VAN GUNDY: At any rate -- yeah. So this
11 does allow the 48-inch fence, and it also gives an
12 additional 12 inches of latticework, where in the
13 instance of we have two corner side yards which abut
14 each other essentially and this is -- in the diagram
15 we're looking at here is that situation where, you
16 know, we don't have the front yards we're trying to
17 align so essentially we can run that taller fence
18 along that, it would be either the right or left side
19 of those, that diagram there. That's that first
20 paragraph.

21 So we have, and again, if we get away, the
22 20 feet away from the right-of-way lines, again, this
23 is not considering the sight triangles. The sight
24 triangles are still going to be limited in height.
25 The double front-edge lots, this is also an example

1 there where we do encounter this occasionally with
2 parcels that go from street to street and this
3 provides some regulation on where to put that fence
4 so we don't have potentially a fence all the way out
5 at the right-of-way, 6-foot fences will have you set
6 back there so we're taking in consideration the rest
7 of the block that. Again, if we don't have any
8 language on that specifically that limits the 6-foot
9 fence from going out to the public right-of-way in
10 the rear yard.

11 So then we get into the regulations for
12 hedges that talk about the height of essentially
13 6 feet in height and you need front and side yard,
14 and again, we're going to keep it in line with the
15 fence regulations and trying to keep the hedges more
16 in line, but that, as you know, the arborvitae get
17 fairly tall so this would be some regulations that
18 would require some height limits on that.

19 So then it talks about temporary -- oh, was
20 there somebody chiming in? No? Okay.

21 Temporary fences and, you know, clarifying
22 that, you know, we don't need to get a zoning
23 certificate for temporary fences, you know, for
24 construction sites and so forth, and then again a
25 maintenance clause in there to refer back to if, you

1 know, we have an issue or complaint on the fence we
2 have some parameters there to apply to any fence of
3 concern.

4 So with that, I will answer any questions if
5 you have any additional questions or --

6 MR. MCCLEASTER: Okay. Well, thank you,
7 Mr. Van Gundy. As he said, do we have any questions
8 or comments from members of the commission?

9 At that point would we have any comments from
10 members of the community?

11 Okay. I think, unless anybody objects, I
12 think we could entertain a motion at this point to
13 send this resolution over to the -- or send this
14 proposal over to the city council.

15 MR. SERRA: I will. This is Tom Serra. I'll
16 make a motion that we send it to city council for
17 review with one modification, we clarify the
18 materials to address a masonry wall and the material.

19 MR. MCCLEASTER: Okay.

20 MR. SERRA: In the material section.

21 MR. MCCLEASTER: We have a motion on the
22 table from Mr. Serra. Do we have a second?

23 MR. MIHALCIN: This is Brian Mihalcin. I'll
24 second it.

25 MR. MCCLEASTER: We have a motion and a

1 second. Could we please call for a vote.

2 MS. TRUGOTT: Yes. Robert McCleaster?

3 MR. MCCLEASTER: Yes.

4 MS. TRUGOTT: Mr. Dalpiaz?

5 MR. DALPIAZ: Yes.

6 MS. TRUGOTT: Mr. Serra?

7 MR. SERRA: Yes.

8 MS. TRUGOTT: Mr. Volas?

9 MR. VOLAS: Yes.

10 MS. TRUGOTT: And Mr. Mihalcin?

11 MR. MIHALCIN: Yes.

12 MR. MCCLEASTER: All right. Well, that
13 motion carries, and with that, I don't see anything
14 remaining on our agenda this evening. Thank you,
15 guys, all for working through the technology issues.
16 And is there -- I think at this point we can just --
17 I'm sorry.

18 MR. SERRA: I'll make a motion to adjourn.

19 MR. MCCLEASTER: That's exactly what I was
20 going to ask. We have a motion to adjourn. Second?

21 MS. TRUGOTT: I'm sorry. Who made the
22 motion to adjourn?

23 MR. SERRA: Tom Serra.

24 MS. TRUGOTT: Thank you.

25 MR. MCCLEASTER: And do we have a second?

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MR. MIHALCIN: This is Brian Mihalcin. I'll second.

MR. MCCLEASTER: Great. Thank you. And I guess all those in favor, say "aye."

("Aye" in unison.)

MR. SERRA: Good job.

MR. MCCLEASTER: All right. Thank you, everybody. I hope everybody has a wonderful evening.

MR. FOX: Thank you all.

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(Meeting adjourned at 8:34 p.m.)

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<p>MR. CAPLEA: [18] 18/25 19/3 19/7 19/9 19/13 19/16 19/22 19/25 20/24 21/3 21/7 21/11 21/15 21/22 22/21 33/13 33/24 35/23</p> <p>MR. COSTIN: [5] 7/13 7/18 7/23 8/1 8/4</p> <p>MR. DALPIAZ: [10] 3/16 5/2 17/3 18/8 35/10 36/18 37/4 49/19 50/19 56/5</p> <p>MR. DEHOFF: [19] 8/6 8/8 8/14 8/19 8/25 9/7 12/11 12/16 12/19 12/25 13/9 13/17 14/16 14/18 15/2 15/7 15/16 15/25 16/22</p> <p>MR. FOX: [8] 6/20 7/1 11/21 21/14 34/1 47/1 47/22 57/9</p> <p>MR. MCCLEASTER: [83]</p> <p>MR. MIHALCIN: [25] 3/11 4/12 4/19 5/8 12/12 12/17 12/21 13/2 17/1 17/21 18/14 31/21 34/25 35/14 37/10 43/25 46/13 47/10 48/12 48/16 51/3 51/22 55/23 56/11 57/1</p> <p>MR. NOBLE: [5] 27/18 27/21 32/9 32/12 33/5</p> <p>MR. SERRA: [29] 3/9 4/9 5/4 12/10 17/2 18/1 18/10 32/4 32/23 33/6 34/19 35/8 36/13 36/22 37/6 45/1 45/25 48/19 49/5 49/13 51/20 52/1 53/4 55/15 55/20 56/7 56/18 56/23 57/6</p> <p>MR. VAN GUNDY: [28] 6/9 10/21 10/25 20/22 20/25 21/5 21/8 30/24 33/19 36/5 37/24 44/9 45/5 46/5 46/16 47/9 47/17 48/3 48/17 49/6 50/25 51/7 52/2 52/7 52/9 52/11 53/5 53/10</p> <p>MR. VOLAS: [8] 3/13 4/13 5/6 18/12 33/10 35/12 37/8 56/9</p> <p>MR. YOUNG: [8] 7/25 8/2 8/5 13/15 15/5 15/20 17/11 21/20</p> <p>MS. TRAUGOTT: [44] 3/6 3/8 3/10 3/12 3/14 4/24 5/1 5/3 5/5 5/7 7/16 7/21 7/24 8/22 9/1 17/8 18/5 18/7 18/9 18/11 18/13 19/6 19/8</p>	<p>19/10 19/15 19/21 34/13 35/5 35/7 35/9 35/11 35/13 37/1 37/3 37/5 37/7 37/9 56/2 56/4 56/6 56/8 56/10 56/21 56/24</p> <p>.5 [2] 29/3 29/13 .578 [1] 20/14 .578 acres [1] 20/14</p> <p>0</p> <p>0001 [1] 5/13</p> <p>1</p> <p>1.2 [4] 20/21 21/15 21/24 21/25 1133 [1] 37/18 1133.08 [3] 11/7 37/19 38/6 11700 [1] 19/4 12 [1] 29/19 12 inches [1] 53/12 12-volt [1] 29/20 1540 [1] 27/23 155 feet [1] 20/11 163 [1] 20/13 17th [1] 58/17</p> <p>2</p> <p>2-foot [2] 13/12 14/13 20 [2] 9/23 9/24 20 feet [1] 53/22 200 [2] 24/24 30/12 2020 [4] 1/6 1/17 3/4 58/17</p> <p>2022 [1] 58/20 20NCPC-0001 [1] 5/13 215 [1] 23/1 24 feet [1] 27/6 24 inches [2] 52/14 52/19 24-9 [1] 27/7 256 [1] 23/1 28 [1] 58/15</p> <p>3</p> <p>3-foot [1] 42/9 30 feet [1] 40/6 300 feet [1] 22/2 330.492.4221 [1] 1/24 330.928.1418 [1] 1/24 36 [1] 52/20 36-inch [2] 52/23 52/25</p> <p>4</p> <p>4.1 [1] 25/11 48 feet [1] 27/8 48-inch [2] 53/1 53/11</p> <p>5</p> <p>570 feet [1] 22/5</p>	<p>6</p> <p>6 feet [1] 54/13 6-foot [3] 43/15 54/5 54/8</p> <p>7</p> <p>7-2 [1] 48/4 7:07 [2] 1/17 3/4 7:13 [1] 6/24</p> <p>8</p> <p>8-foot [1] 43/15 8153 [1] 8/4 845 [1] 1/16 8:34 [1] 57/11</p> <p>9</p> <p>9 inches [1] 27/8</p> <p>A</p> <p>able [5] 17/13 21/23 33/3 33/20 37/22 about [38] 5/24 6/8 6/24 9/6 9/11 9/17 9/23 11/8 13/4 13/5 14/11 15/8 18/24 20/14 22/21 23/1 27/5 27/6 28/16 29/18 39/3 39/5 39/11 39/17 40/23 41/8 41/9 41/25 42/3 42/25 43/4 43/8 44/4 45/3 49/21 50/9 54/12 54/19</p> <p>above [1] 26/5 Absolutely [2] 13/20 14/3 abut [1] 53/13 abutting [2] 13/12 14/14 accent [3] 29/25 30/1 30/5 accents [1] 29/25 acceptable [2] 11/19 50/7 accepted [1] 48/25 access [1] 25/22 accessible [1] 23/15 Accessory [1] 37/19 accomplish [1] 51/19 accounts [1] 15/3 acres [1] 20/14 across [2] 38/24 42/11 action [1] 58/13 actual [1] 41/4 actually [5] 4/14 5/25 28/12 30/8 31/9 add [5] 10/20 30/23 36/3 48/20 51/10 added [3] 24/8 35/22 48/25 addition [1] 31/23 additional [5] 24/8 35/21 36/3 53/12 55/5 address [9] 6/5 7/12</p>	<p>8/17 9/6 17/16 18/23 32/5 35/25 55/18 addresses [1] 38/11 adjacent [3] 10/13 23/12 23/15 adjourn [3] 56/18 56/20 56/22 adjourned [1] 57/11 adjudication [6] 5/11 5/12 5/15 18/19 34/2 34/11 administer [1] 5/16 administered [2] 5/19 9/2 Administration [2] 2/9 2/12 adopted [1] 38/14 aerial [2] 22/10 22/11 affiliated [1] 58/14 affixed [1] 58/16 afterwards [1] 58/7 again [26] 9/5 13/11 15/15 17/9 21/25 22/10 22/23 23/12 24/12 25/2 26/1 26/17 26/21 26/25 30/5 36/9 39/7 40/22 41/14 42/15 42/17 53/21 53/22 54/7 54/14 54/24 against [4] 13/23 14/6 34/4 43/15 agenda [11] 4/6 5/10 6/19 6/22 7/5 20/2 31/8 31/19 35/17 37/14 56/14 ago [1] 9/16 agree [8] 11/19 11/21 31/25 47/1 47/22 50/17 51/3 52/1 agreement [2] 10/7 11/10 ahead [8] 19/14 19/23 27/17 40/8 40/19 40/20 40/21 42/17 Aided [1] 58/8 Akron [1] 1/24 align [1] 53/17 aligned [2] 30/11 30/12 all [27] 2/21 3/18 4/7 6/2 6/21 6/22 11/2 19/14 21/24 22/19 24/15 25/8 25/17 27/16 29/19 30/19 37/11 38/6 45/3 45/13 46/23 54/4 56/12 56/15 57/4 57/7 57/9 all-encompassing [1] 45/13 allotment [1] 9/19 allotments [1] 48/23 allow [2] 48/10 53/11 allowed [1] 47/11 almost [2] 22/21 33/16</p>	<p>along [5] 7/7 9/12 11/15 47/5 53/18 already [3] 19/13 39/25 44/7 also [17] 9/22 13/3 13/10 27/11 27/24 28/15 29/4 30/25 31/7 36/7 38/10 39/5 43/4 43/8 49/23 53/11 53/25 alter [1] 6/19 aluminum [1] 48/8 am [8] 10/22 18/25 19/7 20/24 37/24 58/11 58/14 58/14 amendments [1] 37/17 amenity [2] 14/19 16/1 amount [1] 24/20 annuals [1] 24/6 another [4] 23/10 44/6 45/15 48/17 answer [2] 10/15 55/4 answered [1] 11/4 any [39] 3/25 10/15 10/18 12/8 15/1 16/18 16/23 17/11 28/11 29/6 30/9 30/21 32/2 33/8 35/24 36/15 38/14 38/23 39/3 40/22 43/23 45/8 46/18 46/23 47/13 47/15 47/23 47/24 48/14 51/22 52/3 53/10 54/7 55/2 55/4 55/5 55/7 55/9 58/12 any currently [1] 47/23 anybody [6] 5/17 17/15 17/17 34/9 36/14 55/11 anything [10] 10/20 15/8 30/23 31/19 35/21 36/3 36/12 42/21 44/2 56/13 Anyhow [1] 20/9 apologize [1] 40/19 appealing [4] 43/18 45/18 45/19 49/11 APPEARANCES [1] 2/1 appears [1] 17/17 Applegrove [2] 8/20 9/9 applicant [8] 5/23 6/1 6/3 11/10 11/13 18/18 18/21 35/22 application [9] 5/13 7/5 21/22 29/2 30/25 34/4 35/19 43/6 47/6 applies [1] 39/9 apply [4] 16/14 45/6 51/9 55/2 appreciate [2] 4/3 31/2 appropriate [2] 34/5 47/16 approval [7] 4/9 11/5 31/6 33/14 36/8 36/24</p>
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25/20 46/3 brief [1] 16/3 bright [1] 32/24</p>	<p>bring [3] 17/18 34/16 35/18 broad [1] 46/24 Buckley [1] 27/22 buffer [1] 24/9 build [2] 9/17 48/23 building [11] 2/15 22/14 23/2 23/12 25/6 27/12 27/13 32/21 43/4 43/6 43/7 built [4] 9/18 9/21 9/22 16/6 business [1] 20/16 busy [1] 40/16</p>	<p>C</p> <p>C-200 [1] 24/24 call [13] 3/2 3/5 4/23 6/11 8/1 8/2 12/22 17/12 18/4 27/6 35/4 36/25 56/1 called [2] 7/25 8/5 cameras [2] 32/7 32/19 campus [2] 22/7 23/22 can [39] 7/9 7/16 8/1 8/6 16/2 19/2 20/8 21/1 21/18 21/24 23/25 25/23 26/3 27/18 27/20 32/5 32/9 32/11 32/13 33/22 38/18 39/2 39/13 40/13 40/23 41/21 41/22 43/12 45/11 45/14 45/17 47/19 47/20 51/10 52/5 52/19 52/20 53/17 56/16 can't [2] 38/22 38/22 candles [2] 29/3 29/13 cannot [1] 40/24 CANTON [11] 1/1 1/12 1/15 1/16 1/24 3/3 9/20 20/15 21/17 37/17 58/16 capability [1] 17/5 Caplea [7] 6/11 18/25 19/4 19/20 31/23 32/5 38/3 caption [1] 58/10 captured [1] 12/4 carries [1] 56/13 case [1] 34/12 cases [3] 38/22 42/23 42/23 Catherine [1] 2/12 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