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CITY OF NORTH CANTON, OHIO

IN RE:	)	
	)	
NORTH CANTON	)	
SPECIAL CITY COUNCIL	)	
VIRTUAL MEETING	)	
	)	<b>TRANSCRIPT OF PROCEEDINGS</b>
	)	

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Transcript of Proceedings held virtually before North Canton City Council, taken by the undersigned, Shannon Roberts, a Registered Professional Reporter and Notary Public in and for the State of Ohio, at the offices of North Canton City Hall, 145 North Main Street, North Canton, Ohio, on Monday, the 3rd day of May, 2021, at 9:11 p.m.

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APPEARANCES:

Daryl Revoldt, Member

Douglas Foltz, Member

Stephanie Werren, Member

Mark Cerreta, Member

Dominic Fonte, Member

Matthew Stroia, Member

Stephan B. Wilder, Mayor

Patrick DeOrio, Director of Administration

Catherine Farina, Deputy Director of  
Administration

Jina Alaback, Director of Finance

Robert Graham, PE

Martin B. Van Gundy, IV, Chief Building Officer

Benjamin Young, Council Clerk

Jamie McCleaster, Planning Commission

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MR. REVOLDT: All right. Let's move on to our next meeting, our Special Council meeting for Monday, May 3rd. Mr. Cerreta or Mr. Fonte, would you like to provide us with an opening prayer?

MR. CERRETA: I -- I sure would.

MR. REVOLDT: Thank you, Mark.

(Whereupon, Mr. Cerreta leads us in prayer.)

MR. REVOLDT: Please join me in the Pledge of Allegiance.

(Whereupon, the Pledge of Allegiance is recited.)

MR. REVOLDT: Clerk, would you please call the roll?

MR. YOUNG: Member Werren.

MS. WERREN: Here.

MR. YOUNG: Member Fonte.

MR. FONTE: Here.

MR. YOUNG: Member Foltz.

MR. FOLTZ: Here.

MR. YOUNG: Member Cerreta.

MR. CERRETA: Here.

MR. YOUNG: Member Stroia.

MR. STROIA: Here.

1 MR. YOUNG: Member Revoldt.

2 MR. REVOLDT: Here.

3 MR. YOUNG: And Member Peters is absent.

4 Six present.

5 MR. REVOLDT: May I have a motion to  
6 excuse --

7 MR. FOLTZ: Motion to excuse Member  
8 Peters.

9 MR. REVOLDT: It has been moved. Is  
10 there a second?

11 MR. CERRETA: Cerreta second.

12 MR. REVOLDT: All in favor, say "aye."

13 MR. FOLTZ: Aye.

14 MR. REVOLDT: Aye.

15 MR. CERRETA: Aye.

16 MS. WERREN: Aye.

17 MR. FONTE: Aye.

18 MR. STROIA: Aye.

19 MR. REVOLDT: Opposed?

20 (No response.)

21 MR. REVOLDT: Motion carries. Let's go  
22 on to the first piece, our public speaks,  
23 recognition of visitors.

24 Mr. Osborne, are you here?

25 MR. OSBORNE: I am here.

1 MR. REVOLDT: All right.

2 MR. OSBORNE: Tell me when I can start.

3 MR. REVOLDT: You may start at your  
4 convenience.

5 MR. OSBORNE: Okay. Thank you. Chuck  
6 Osborne, 307 Fairview Street, Southeast,  
7 North Canton, Ohio. At last week's April  
8 26th, 2021 Monday night City Council meeting,  
9 an amendment to Council's upcoming meeting  
10 schedule was suggested by Daryl Revoldt,  
11 chairman of Council's community and economic  
12 development committee.

13 Mr. Revoldt wished to add a Special  
14 Council meeting to the agenda for Monday, May  
15 3rd, 2021, to allow for a third reading of  
16 Ordinance Number 28-21, North Canton's  
17 Designated Outdoor Refreshment Area, commonly  
18 referred to as DORA, with the legislation to  
19 be passed on emergency.

20 The amended meeting schedule suggested by  
21 Councilman Revoldt at 1:29:50 into last  
22 week's two-hour meeting was subsequently  
23 voted on and approved by all members of  
24 Council.

25 On midday Friday, April 30th, 2021, four

1 days after Council voted to schedule a vote  
2 on the DORA legislation for tonight's  
3 meeting, I was surprised to read online in  
4 The Repository that the DORA legislation had  
5 been voted on at a Special Council meeting  
6 held earlier that day, Friday morning, at  
7 8:00 a.m. -- 8:00 a.m.

8 Are public announcements of Council's  
9 upcoming meeting schedule to be believed or  
10 trusted? What was the rush to enact the DORA  
11 legislation? Why couldn't this DORA  
12 legislation wait 72 hours and be voted on  
13 Monday, May 3rd, 2021 as announced and agreed  
14 to by the entire Council membership? Is  
15 someone at City Hall so in need of a beer to  
16 stroll along Main Street that they cannot  
17 wait 24 -- 72 hours?

18 Why can't citizens trust or believe the  
19 information that comes from North Canton City  
20 Hall?

21 At an hour and 14 minutes into the  
22 meeting, Council's community and economic  
23 committee chairman reported that ground  
24 breaking on the Diebold warehouse had taken  
25 place. This is yet another announcement that

1 cannot be believed. What in fact is  
2 happening across the street at the former  
3 Hoover Company property is mitigation of the  
4 contamination that exists where the expansion  
5 of the warehouse is to take place in the  
6 future.

7 For the last six weeks, vast quantities  
8 of contaminated soil have been excavated from  
9 Hoover and transported by trucks to a  
10 landville -- fill in Belleville, Michigan in  
11 an effort to clean up high levels of  
12 contamination.

13 A March 25th, '21 report from the Hall  
14 and Associates project manager to region 5 of  
15 the EPA states, and I quote, specifically the  
16 cleanup plan addresses a portion of the north  
17 yard defined as the remediation area. The  
18 investigation and cleanup of PCBs described  
19 herein is a continuation of prior remediation  
20 efforts within the north yard by CH2M Hill on  
21 behalf of the Hoover Company, and is being  
22 implemented as an interim corrective measure,  
23 as executed by the USEPA at Maple Street on  
24 May 24, 2016.

25 Anyone who is monitoring the nearly two

1 months of efforts to minimize the  
2 contamination can see this is not a ground  
3 breaking for construction. These mitigation  
4 efforts may last another two months. It is  
5 unnerving to this day that City officials  
6 seriously considered building a safety center  
7 on this very site a short two years ago when  
8 Stuart Lichter made a self-serving offer to  
9 donate property to the City for the safety  
10 center.

11 Lastly, Council Member Mark Cerreta  
12 remarked that owner of Pav's was in support  
13 of the DORA. What does that mean? Will  
14 Pav's be purchasing thousands of DORA --  
15 official DORA cups from the City at inflated  
16 costs, so the City can recoup the expense of  
17 \$9,000 for the required trash containers?

18 As I see it playing out, of the four  
19 required liquor operators in North Canton's  
20 DORA, there will only be one liquor operator  
21 purchasing official DORA cups in lots of 500  
22 each, at one dollar or more per cup. El  
23 Rincon has told -- repeatedly told me they  
24 have no interest in the DORA. Pav's has told  
25 me that the 16-ounce DORA cups are not



1           suitable to hold the alcoholic shakes they  
2           serve. Sapphire Board Game, in my  
3           estimation, does not have the financial  
4           wherewithal to expend \$500 at a time for  
5           official DORA sippy cups, nor will the public  
6           have any desire in climbing 20 steps to their  
7           second floor game room, only to navigate back  
8           down the long stairs to go outside to drink  
9           from their official DORA cup.

10           Lastly, the Howlin -- Howlin Bird has an  
11           extensive outdoor patio. Why would the  
12           public want to pay a higher price for their  
13           drink when they can enjoy their beverage  
14           sitting on Howlin Bird's outdoor patio? This  
15           idea of a DORA in North Canton has led to a  
16           waste of thousands of citizen tax dollars.  
17           Thank you.

18           MR. REVOLDT: Thank you.

19           MR. FONTE: Thank you.

20           MR. REVOLDT: All right. Let's move on  
21           to new business. Item 6A, an ordinance for  
22           the designation of projects for the use of  
23           the ARPA funds. Administration, do you  
24           have -- is this going to be postponed?

25           MR. DEORIO: Yeah, we are requesting that

1           this be postponed. We are waiting on pending  
2           federal spending guidelines that were  
3           supposed to be out in the next two weeks.  
4           And so we'll report back to you then, once we  
5           get the -- the first official preliminary  
6           indicators from US Treasury.

7           MR. REVOLDT: All right. Let me defer to  
8           our parliamentarian, slash, Clerk. Do we  
9           need to table this or can we just move on?

10          MR. YOUNG: So we want to do a motion to  
11          postpone until X requirements have been met.  
12          So in this case, it would be until  
13          administration has received federal spending  
14          guidelines.

15          MR. REVOLDT: All right. The Clerk has  
16          nicely summarized the entire motion. I'll  
17          make a motion that we postpone item 6A. Is  
18          there a second?

19          MR. STROIA: Stroia seconds.

20          MR. REVOLDT: All in favor, say "aye."

21          MR. FOLTZ: Aye.

22          MR. REVOLDT: Aye.

23          MR. CERRETA: Aye.

24          MS. WERREN: Aye.

25          MR. FONTE: Aye.

1 MR. STROIA: Aye.

2 MR. REVOLDT: Opposed?

3 (No response.)

4 MR. REVOLDT: Very good. Let's move on  
5 then to item 6B. I'd like to make a -- make  
6 a motion -- let me ask you, Ben. I think we  
7 need to waive committee reports for this,  
8 correct?

9 MR. YOUNG: Yes. And we need to waive  
10 Council Rule 24.

11 MR. REVOLDT: Okay. Let me, first of  
12 all, make a motion to waive Council Rule 24  
13 requiring a committee report for Ordinance  
14 Number 28-21. Is there a second?

15 MR. STROIA: Stroia seconds.

16 MR. REVOLDT: All in favor?

17 MR. YOUNG: Oh, I apologize, this is not  
18 28-21.

19 MR. REVOLDT: Okay. What is the correct  
20 ordinance number then?

21 MR. YOUNG: I believe this will be 35.

22 MR. REVOLDT: Okay.

23 MR. YOUNG: I'll double-check right now.

24 MR. REVOLDT: Let's take a pause for a  
25 moment.

1 MR. CERRETA: Thanks for noticing, Ben.  
2 Very easy to fix in today's world.

3 MR. YOUNG: 36. I was off by one.

4 MR. REVOLDT: All right. I have made a  
5 motion that we suspend Council rule regarding  
6 a committee report for Ordinance 36-21. I'll  
7 make that motion. Is there a second?

8 MR. STROIA: Stroia seconds.

9 MR. REVOLDT: All in favor, say "aye."

10 MR. FOLTZ: Aye.

11 MR. REVOLDT: Aye.

12 MR. CERRETA: Aye.

13 MS. WERREN: Aye.

14 MR. FONTE: Aye.

15 MR. STROIA: Aye.

16 MR. REVOLDT: Very good. Thank you.

17 Opposed?

18 (No response.)

19 MR. YOUNG: Sorry. 37.

20 MR. DEORIO: Let's get it right, guys.

21 This is important.

22 MR. FOLTZ: It is important.

23 MR. REVOLDT: Let's do this one more time  
24 then.

25 MR. CERRETA: Do I hear 38?

1 MR. REVOLDT: I'm going to make a  
2 motion --

3 MR. FOLTZ: Wait. Wait. Wait. Ben, are  
4 you sure? Do you need a little bit more  
5 time? We can wait.

6 MR. YOUNG: Yes, it is 37. 36 has  
7 already been passed on emergency. That's why  
8 it was off the docket. So --

9 MR. REVOLDT: All right.

10 MR. YOUNG: -- it is 37.

11 MR. REVOLDT: Very good. I -- Revoldt  
12 will make a motion -- Revoldt moves for  
13 Ordinance 37-21 that the requirement for a  
14 committee report be waived.

15 MR. STROIA: Stroia seconds.

16 MR. REVOLDT: Stroia seconds. All in  
17 favor, say "aye."

18 MR. FOLTZ: Aye.

19 MR. REVOLDT: Aye.

20 MR. CERRETA: Aye.

21 MS. WERREN: Aye.

22 MR. FONTE: Aye.

23 MR. STROIA: Aye.

24 MR. REVOLDT: Opposed?

25 (No response.)

1 MR. FOLTZ: I hear some background or TV  
2 or something.

3 MR. REVOLDT: Background TV. All right.  
4 May I have a motion to read by title only  
5 first reading Ordinance Number 37-21?

6 MR. STROIA: Stroia moves.

7 MR. REVOLDT: Is there a second?

8 MR. CERRETA: Cerreta seconds.

9 MR. REVOLDT: All in favor, say "aye."

10 MR. FOLTZ: Aye.

11 MR. REVOLDT: Aye.

12 MR. CERRETA: Aye.

13 MS. WERREN: Aye.

14 MR. FONTE: Aye.

15 MR. STROIA: Aye.

16 MR REVOLDT: Opposed?

17 (No response.)

18 MR. REVOLDT: Very good. Clerk.

19 MR. YOUNG: An ordinance authorizing the  
20 Mayor of the City of North Canton, through  
21 the Board of Control, to enter into an  
22 agreement for the settlement of a pending  
23 court action and purchase of the real  
24 property located at 1206 North Main Street in  
25 the City of North Canton, Stark County, Ohio,

1 permanent parcel number 9207429, at a cost  
2 not to exceed \$950,000, which includes costs  
3 associated with closing, and declaring the  
4 same to be an emergency.

5 MR. REVOLDT: Patrick.

6 MR. DEORIO: Yes. Thank you. So this is  
7 the parcel in the block that we were trying  
8 to acquire in order to at some point be  
9 considering the construction of a police/fire  
10 building. Council has already authorized and  
11 we have acquired three of those four  
12 properties. This is the fourth one. So this  
13 one took a little bit longer. We had a  
14 circuitous route that it took us to court  
15 under potential eminent domain action. It  
16 led to a mediation, and then finally to an  
17 agreed settlement.

18 And before you is the settlement of that  
19 litigation and then the purchase of the -- of  
20 this property. So the -- the purchase price  
21 is actually \$895-, \$895,000. But we have  
22 potential associated costs with closing at  
23 that number.

24 As far as the overall viewpoint of, you  
25 know, what we -- we authorized -- what

1 Council authorized the administration to in  
2 essence finance, we went to the bond market,  
3 as you know, a year ago or so. We financed  
4 \$2.9 million. And we have come in  
5 significantly under budget on the acquisition  
6 costs for these four properties.

7 So we think that this will -- once we get  
8 it signed, sealed, delivered, there are a  
9 number of steps of -- you know, until we get  
10 to the closing date, but first thing was we  
11 had -- we had ten days to get this through  
12 City Council. That's why we have asked for  
13 an emergency clause on this one. And then  
14 from there, we'll set a closing date, and  
15 that should be done within the next 45 days.

16 MR. REVOLDT: Does Council have any  
17 questions?

18 (No response.)

19 MR. REVOLDT: Seeing none, then may I  
20 have a motion to adopt the first reading of  
21 Ordinance 37-21?

22 MR. STROIA: Stroia moves.

23 MR. REVOLDT: Is there a second?

24 MR. FOLTZ: Foltz seconds.

25 MR. REVOLDT: All in favor, say "aye."



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MR. FOLTZ: Aye.

MR. REVOLDT: Aye.

MR. CERRETA: Aye.

MS. WERREN: Aye.

MR. FONTE: Aye.

MR. STROIA: Aye.

MR. REVOLDT: Very good. May I have a motion to suspend the rules for Ordinance Number 37-21?

MR. STROIA: Stroia moves.

MR. FOLTZ: Foltz seconds.

MR. REVOLDT: Is there a second?

MR. FOLTZ: Foltz seconds.

MR. REVOLDT: Foltz seconds. All in favor, say "aye."

MR. FOLTZ: Aye.

MR. REVOLDT: Aye.

MR. CERRETA: Aye.

MS. WERREN: Aye.

MR. FONTE: Aye.

MR. STROIA: Aye.

MR. REVOLDT: Opposed?

(No response.)

MR. REVOLDT: And, finally, may I have a motion -- may I have a motion to adopt under

1 the rules as suspended Ordinance Number  
2 37-21?

3 MR. STROIA: Stroia moves.

4 MR. FOLTZ: Foltz seconds.

5 MR. REVOLDT: All in favor, say "aye."

6 MR. FOLTZ: Aye.

7 MR. REVOLDT: Aye.

8 MR. CERRETA: Aye.

9 MS. WERREN: Aye.

10 MR. FONTE: Aye.

11 MR. STROIA: Aye.

12 MR. REVOLDT: Opposed?

13 (No response.)

14 MR. REVOLDT: That concludes this matter.

15 And that concludes our agenda this evening.

16 Before we adjourn, we have these Council

17 meetings scheduled for -- on the calendar;

18 regular Council meeting on the 10th. 17th,

19 public hearing on the Main Street Zoning

20 changes at 6:30. On the 17th, a Committee of

21 the Whole. The 24th, City Council. And no

22 meeting for Monday, the 31st, Memorial Day.

23 Are there any -- any corrections that we

24 need to make to this agenda at this time?

25 (No response.)

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MR. REVOLDT: If not, I'll entertain a motion to adjourn.

MR. FOLTZ: Foltz moves.

MR. STROIA: Stroia moves -- Stroia seconds.

MR. REVOLDT: All in favor, say "aye."

MR. FOLTZ: Aye.

MR. REVOLDT: Aye.

MR. CERRETA: Aye.

MS. WERREN: Aye.

MR. FONTE: Aye.

MR. STROIA: Aye.

MR. REVOLDT: Opposed?

(No response.)

MR. REVOLDT: That concludes our evening.

Thank you.

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(This proceeding concluded at 9:27 p.m.)

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ATTEST:

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Daniel Jeff Peters,  
Council President

*Benjamin R. Young*  
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Benjamin R. Young,  
Council Clerk

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C E R T I F I C A T E

STATE OF OHIO,     )  
                              )  
STARK COUNTY.     )

I, Shannon L. Newhall, a Registered Professional Reporter and Notary Public in and for the State of Ohio, duly commissioned and qualified, do hereby certify that the within testimony so given was by me reduced to Stenotype, afterwards prepared and produced by means of Computer-Aided Transcription, and that the foregoing is a true and correct transcription of the testimony so given.

I further certify that this proceeding was taken at the time and place in the foregoing caption specified.

I further certify that I am not a relative of, employee of or attorney for any party or counsel, or otherwise financially interested in this action.

I do further certify that I am not, nor is the court reporting firm with which I am affiliated, under a contract as defined in Civil Rule 28(D).

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal of office at Canton, Ohio, this 7th day of May, 2021.

Shannon Newhall  
Shannon L. Newhall, Notary Public  
My commission expires February 2, 2023