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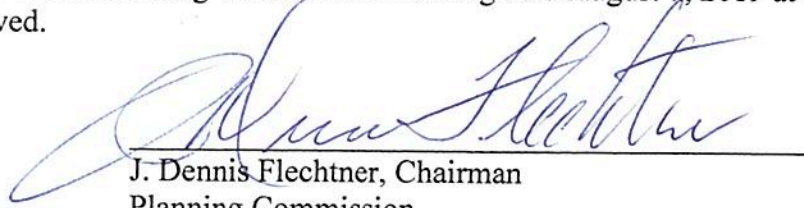


Martin B. Van Gundy, IV
Chief Building Official
CITY OF NORTH CANTON
SAFE**built**

PLANNING COMMISSION

APPROVAL OF August 7, 2019 MINUTES

After review of the minutes of the Planning Commission Meeting held August 7, 2019 at 7:00 p.m., the minutes have been approved.



J. Dennis Flechtner, Chairman
Planning Commission

, Member
Planning Commission

CITY OF NORTH CANTON, OHIO

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IN RE:)
)
NORTH CANTON SPECIAL)
PLANNING COMMISSION)
MEETING)
) **TRANSCRIPT OF PROCEEDINGS**
)

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Transcript of Proceedings, held before the North
Canton Planning Commission, taken by the undersigned,
Shannon Roberts, a Registered Professional 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, the 7th day of
August, 2019, at 7:00 p.m.

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APPEARANCES:

- J. Dennis Flechtner, Chairman
- Thomas Serra, Member
- Peter Volas, Member
- Eric Dalpiaz, Member
- Timothy Fox, Director of Law
- Patrick DeOrio, Director of Administration
- Catherine Farina, Deputy Director of Administration
- Martin Van Gundy, IV, Chief Building Official
- Marcie Cowles, Clerk

1 MR. FLECHTNER: Okay. I call the meeting
2 to order. First, let me welcome you to the
3 new location for not only the Planning
4 Commission, but other -- Council and Zoning
5 Board of Appeals. This is a trial run, so
6 there may be blips. But bear with us and
7 have patience.

8 First, I want to introduce the new clerk,
9 Marcie Cowles. She is joining us. And with
10 that, I will call -- call for a roll call,
11 please.

12 MS. COWLES: Mr. Flechtner.

13 MR. FLECHTNER: Here.

14 MS. COWLES: Mr. Volas.

15 MR. VOLAS: Here.

16 MS. COWLES: Mr. Serra.

17 MR. SERRA: Here.

18 MS. COWLES: Mr. Dalpiaz.

19 MR. DALPIAZ: Here.

20 MS. COWLES: Mr. McCleaster.

21 (No response.)

22 MR. FLECHTNER: First -- the next item on
23 our agenda will be the minutes of the May
24 1st, 2019 meeting. Is there a motion?

25 MR. SERRA: I make a motion to approve.

1 MR. FLECHTNER: Is there a second?

2 MR. DALPIAZ: I'll second.

3 MR. FLECHTNER: Roll call, please.

4 MS. COWLES: Mr. Flechtner.

5 MR. FLECHTNER: Yes.

6 MS. COWLES: Mr. Volas.

7 MR. VOLAS: Yes.

8 MS. COWLES: Mr. Serra.

9 MR. SERRA: Yes.

10 MS. COWLES: Mr. Dalpiaz.

11 MR. DALPIAZ: Yes.

12 MS. COWLES: Mr. McCleaster.

13 (No response.)

14 MR. FLECHTNER: We need to vote to
15 confirm the new location for future meetings
16 of the Planning Commission. Do I have a
17 motion to establish the Civic Center as the
18 location for future meetings?

19 MR. SERRA: I would recommend that we
20 meet at 845 West Maple Street, North Canton.

21 MR. FLECHTNER: Is there a second?

22 MR. VOLAS: I'll second.

23 MR. FLECHTNER: Any questions?

24 (No response.)

25 MR. FLECHTNER: Roll call, please.

1 MS. COWLES: Mr. Flechtner.

2 MR. FLECHTNER: Yes.

3 MS. COWLES: Mr. Volas.

4 MR. VOLAS: Yes.

5 MS. COWLES: Mr. Serra.

6 MR. SERRA: Yes.

7 MS. COWLES: Mr. Dalpiaz.

8 MR. DALPIAZ: Yes.

9 MS. COWLES: Mr. McCleaster.

10 (No response.)

11 MR. FLECHTNER: Okay. We have an
12 adjudication hearing of the North Canton
13 Board of Education, a conditional use for a
14 temporary propane tank and subsequent
15 permanent propane tank for the fueling of the
16 school buses. Is a representative of the
17 school board here this evening?

18 And the clerk will swear you in. Come
19 forward, please. And --

20 MR. FOX: Anyone that intends to give any
21 testimony for the conditional use permit, if
22 you'd stand and let the court reporter swear
23 you in.

24 (Whereupon, the parties were sworn.)

25 MR. FLECHTNER: Thank you. You may

1 proceed.

2 MS. DALTON: Okay. Thank you for hearing
3 me. My name is Debbie Dalton, and I'm the
4 transportation director for North Canton
5 schools. We are here to get the approval to
6 have a propane temporary tank put in our bus
7 garage, which is next to the football stadium
8 off of Wise Avenue.

9 We have purchased nine school buses that
10 are propane powered, with the help and in
11 partnership with the EPA, to help our fleet
12 with newer buses, and also to help with
13 environmental issues that propane is better
14 for, as far as greenhouse gases and things
15 like that. We did get some funding from the
16 EPA to help us purchase those buses.

17 We -- we just got them approved, and they
18 have been on the road since the end of
19 January. So they made the last part of last
20 school year. And we had AmeriGas come and
21 fill those buses on site.

22 What is better for them and more
23 economical for us is to have them put a
24 propane tank at the bus garage, which would
25 actually be inside the fence where our buses

1 are currently parked. We need to do a
2 temporary tank, because we are hopeful to
3 have money to rebuild or possibly relocate
4 our bus garage. It was built in 1948, and
5 it's just not sufficient for the needs of new
6 buses. It's not quite big enough to get them
7 inside to close the doors for the mechanics
8 to work on. There are some structural
9 issues, things like that.

10 So the school does not want to invest the
11 money on a permanent tank there, because we
12 feel in the next year to two years, they will
13 be seeking funding to replace or rebuild our
14 current bus garage.

15 I do have Bob Kitchen with me, from
16 AmeriGas, who can answer some questions, if
17 you have, about the actual filling station
18 and the tank.

19 MR. KITCHEN: Any questions concerning
20 the tank?

21 MR. FLECHTNER: Give your name, please.

22 MR. KITCHEN: I'm sorry. Bob Kitchen,
23 representing AmeriGas Propane.

24 THE REPORTER: Can you spell the last
25 name?

1 MR. KITCHEN: K-i-t-c-h-e-n.

2 MR. FLECHTNER: Thank you. Martin, do
3 you have anything to add on this?

4 MR. VAN GUNDY: Upon review of the item,
5 it does meet the intent of the zoning code.
6 Staff does recommend utilizing more of the
7 permanent utilization, as opposed to
8 temporary, understanding there is good reason
9 for the temporary. If -- if we do consider
10 the temporary installation, I do recommend we
11 stay away from the blocks, just from an
12 aesthetic point of view; using, like, more of
13 a bollard, that design.

14 MR. KITCHEN: Bollards are more cost
15 prohibitive, so we were trying to use those
16 temporary blocks to help the school save
17 money, to where they wouldn't have to install
18 them. And if they do have the funds to
19 relocate the garage or move the tank or
20 what-have-you, it wouldn't be money wasted
21 for, you know, a year's period of time. It
22 would be something that they wouldn't have to
23 put money out now for something that may not
24 be needed at that location next year. So
25 that was our answer to help alleviate some of

1 the funding for the school.

2 MR. VAN GUNDY: So, really -- my
3 understanding was that the temporary and the
4 permanent location was in the same location.

5 MR. KITCHEN: That's our hope.

6 MS. DALTON: That would be still in that
7 location, yes.

8 MR. KITCHEN: It's going to depend on
9 what happens with the -- the levy.

10 MS. DALTON: Yes, the -- yes, if we
11 receive the funding that we need to replace
12 it.

13 MR. KITCHEN: But the original intent was
14 to rebuild the existing bus garage, and
15 refurbish it to where it's more modernized to
16 accept everything that they are going to
17 need. So the intent is to leave it there,
18 but I don't know if that's going to be --

19 MS. DALTON: Yeah.

20 MR. KITCHEN: -- happening for next year.

21 MS. DALTON: Right. According to our
22 business manager, we are just not quite sure
23 what would happen. And, you know, even if we
24 do get funding, we are not quite sure how
25 much. And they also want to do a study, do

1 they want to leave it at that same location,
2 where our center is and where our buses are.
3 So that is kind of up in the air.

4 We are trying to do it as, you know,
5 efficiently as possible. And by having it
6 inside the fence, we are -- we do have a
7 fence up where the buses are parked and seen.
8 You know, it's not like a covered area. It's
9 open to see where the buses are parked there,
10 right next to the stadium.

11 MR. VAN GUNDY: Okay.

12 MR. DEORIO: Before -- before you move
13 on, before questions, I just want to make
14 sure that everybody understands that these
15 are movable mikes. Mr. Van Gundy, you can
16 move yours closer. It makes a big difference
17 in talking. I would also ask the individuals
18 at the podium that if you can slide that
19 microphone closer to the end of yourself, or
20 if you want to hand it to each other, that's
21 fine, too. But in order to make sure the --

22 MS. FARINA: This is the first day in
23 here. So there are some bugs. But one thing
24 is, rather than raising the sound on
25 everyone, the closer to this you are, the

1 better the sound is.

2 MR. KITCHEN: I understand.

3 MR. DEORIO: Anyway, do your best to move
4 closer.

5 MR. FLECHTNER: Thank you. Martin, do
6 you have anything else to add?

7 MR. VAN GUNDY: That was it. Thank you.

8 MR. FLECHTNER: Couple questions. You
9 said the new bus garage may be relocated off
10 site from where it is now?

11 MS. DALTON: It's possible. I think they
12 would be looking at a study to see what was
13 the best place to -- if we have to require
14 more area for what we need, to make it, you
15 know, modern to fit what we are doing now.
16 It may have to move. I don't know that yet.
17 It's possible.

18 MR. FLECHTNER: And what is the purpose
19 of these concrete --

20 MR. KITCHEN: The blocks are concrete
21 barriers for vehicle protection, so no
22 vehicles can drive into the -- the tank and
23 the pump. It's more of a safety aspect. And
24 that's what the Ohio fire code requires.

25 So our intent was to put the blocks on

1 all sides of the tank to protect it from the
2 inside of the fence from any buses that may
3 go astray, but on the other side, where the
4 parking lot is, as well.

5 MR. FLECHTNER: Yes. But you said a
6 bollard is cost prohibitive. I mean, it
7 doesn't have to be anything fancy on a
8 temporary basis, but something that would be
9 substantial enough to protect the tank.

10 MR. KITCHEN: True. The bollards have to
11 be core drilled into the ground with steel
12 pipe, Schedule A steel pipe, 4 -- 3 feet
13 below the ground, 4 feet above the ground,
14 and then filled with concrete. So the cost
15 of the steel is -- is expensive. And then,
16 of course, the labor to have someone come out
17 and drill them, install them, and go all the
18 way around the tank.

19 Our intent was -- it's a block that sits
20 on top of the ground, and we can pick it up
21 and take it away when we are -- when we are
22 ready, where the -- where the core drilled
23 bollards, they are sunk into the ground. And
24 then in another year, if they decide to do
25 something different, those posts will all

1 have to be either pulled out or cut off.

2 So, you know, I'm not sure what the cost
3 is, to be quite honest with you. It's not
4 something that we actually install. We'd
5 have to hire a third party to put something
6 like that in.

7 MR. FLECHTNER: How do you fill the
8 buses, the nine buses you have now?

9 MS. DALTON: We have a -- we have fuel
10 pumps that are located right next to the
11 transportation building, which is on the --
12 it's actually outside the fence, where the
13 buses come along and fuel.

14 This, where we are proposing to put it,
15 is inside the fence. So only buses would be
16 in there; no cars or stadium, you know,
17 traffic. This would all be inside our fence
18 that's locked whenever we are not in school.

19 MR. FLECHTNER: Do you plan on purchasing
20 new propane buses?

21 MS. DALTON: We are hoping -- yeah, we
22 had -- are continually working with the EPA
23 to get grants to do that. They are more
24 expensive than the diesel, but they're much
25 better and cleaner and have a better outcome

1 when it comes to repairs. They don't have a
2 lot of the emission requirements that diesels
3 do. So we are looking for a savings that
4 way. Also with our help, you know, from the
5 grants from the EPA, so we can -- we plan to
6 continue to do that, yes.

7 MR. FLECHTNER: Has the existing fueling
8 operation been approved by the North Canton
9 City Fire Department?

10 MS. DALTON: Yes. It's checked every
11 year.

12 MR. FLECHTNER: And that can't be done on
13 a temporary basis to -- I think your
14 application says you are considering a
15 permanent installation next summer.

16 MS. DALTON: Yes. That would be
17 dependent on funding that we would receive
18 to, you know, upgrade our facility.

19 MR. FLECHTNER: So the temporary could
20 last more than a year --

21 MS. DALTON: Yes.

22 MR. FLECHTNER: -- or more?

23 MS. DALTON: Yes. I --

24 MR. FLECHTNER: Yeah, I understand from
25 the --

1 MS. DALTON: Yes.

2 MR. FLECHTNER: If you are -- you are
3 taking your chances on a levy, that -- that
4 may -- any other questions from the
5 Commission?

6 MR. SERRA: The fire department has sent
7 out saying the location of the propane tank
8 in the fence area was approved by the --

9 MR. FLECHTNER: Yes, I have that. Yeah,
10 what has been proposed, the temporary. The
11 temporary location. And I was questioning
12 whether the operation that -- the tanks they
13 have now for nine buses -- it seems they
14 could save money by continuing that operation
15 for six months or so.

16 MR. KITCHEN: Could I?

17 MS. DALTON: Yes.

18 MR. KITCHEN: Well, if you are asking
19 about the existing propane buses.

20 MR. FLECHTNER: Yeah. Yeah.

21 MR. KITCHEN: They are being filled. We
22 are having our bobtail drive into the -- the
23 parking lot and garage, and filling those --
24 those seven buses from our truck. And we are
25 going there every single day and refueling.

1 MR. FLECHTNER: Okay.

2 MR. KITCHEN: Where if we are able to put
3 this tank in, it's going to save the school a
4 considerable amount of money, because we are
5 not having a truck drive there every single
6 day. So it's going to reduce the overall
7 cost per gallon, and they're going to realize
8 the savings there. And, of course, it will
9 help us, not having to drive to the school
10 every day.

11 MR. FLECHTNER: Right.

12 MR. KITCHEN: So that's what we are
13 currently doing. And the reason we are
14 putting that tank out in this area, it's away
15 from the existing diesel tank that they have,
16 that they are currently using for the other
17 buses. They have to be separated. And, of
18 course, we have to consider the bus traffic
19 coming in and out for the propane, as opposed
20 to the diesel closer to the garage.

21 MR. FLECHTNER: Thank you.

22 MR. KITCHEN: Yes.

23 MR. SERRA: So this temporary trailer,
24 this tank is going to sit on the temporary
25 trailer?

1 MR. KITCHEN: Yes.

2 MR. SERRA: And --

3 MR. KITCHEN: It's permanently mounted on
4 the trailer itself.

5 MR. SERRA: So it's going to be up in the
6 air about 3 feet, off the ground?

7 MR. KITCHEN: Yeah. I believe on the
8 picture, it should have the dimensions.
9 Uh-huh.

10 MR. SERRA: But -- that's okay. But the
11 concrete barriers are only going to be about
12 3 feet tall. So is there any concern of
13 someone ramming the fence and being able to
14 get to the tank?

15 MR. KITCHEN: Well, not -- not
16 particularly, because there are not many
17 vehicles that are going to be higher than
18 those blocks. They are used in all types of
19 applications in many different businesses,
20 where they have semi traffic that comes
21 through for deliveries and things of that
22 nature.

23 So they are used in a wide variety of
24 areas. So if we are -- for a vehicle to, you
25 know, go above that block and hit that tank,

1 it's -- it's so unlikely. I don't ever think
2 it would happen, to be quite honest with you.

3 MR. SERRA: And they will be on all four
4 sides?

5 MR. KITCHEN: Oh, yes, absolutely.

6 MR. FLECHTNER: Which includes the fence
7 side?

8 MR. KITCHEN: Oh, yes, most definitely on
9 the fence side, because that's where the
10 parking lot is. I have more worry of people
11 on the parking lot --

12 MR. FLECHTNER: Inside the fence?

13 MR. KITCHEN: Yes. Yes. We can put them
14 on the inside of the fence, so there are no
15 driving, you know, barriers as people go
16 through that parking lot. They'll -- it
17 would virtually be the same as it is today,
18 except you'll see the barriers on the inside
19 of the fence with that tank.

20 MR. VOLAS: Couple questions. How
21 prevalent are the propane buses and the
22 propane tanks used in Stark County?

23 MS. DALTON: You are talking about school
24 systems?

25 MR. VOLAS: Yes, schools. Yes.

1 MS. DALTON: The only other district
2 right now running propane is Northwest, which
3 is not really Stark County, and I believe
4 they have just one.

5 MR. VOLAS: Okay.

6 MR. KITCHEN: If -- I can elaborate a
7 little more on that.

8 MR. VOLAS: Please.

9 MR. KITCHEN: The City of Cleveland has
10 propane buses. Norwayne has buses that we
11 service. Northwest is another school that we
12 service. Tuslaw is in the process of getting
13 the schools {sic} right now. Austintown, in
14 Youngstown, has buses. And we also have
15 Barnesville schools. So they are becoming
16 much more popular, because of the cost
17 savings and the environmental impact.

18 MR. VOLAS: Are they having to deal with
19 the same issues with temporary tank versus
20 the permanent one? Or is that unique to
21 North Canton?

22 MR. KITCHEN: This particular trailer, we
23 actually have a school district in Chicago
24 that this was at. And it was the same
25 situation that we have here in North Canton.

1 I don't believe that there are a lot of these
2 units available. It's something that
3 AmeriGas saw a need for, so they put it to
4 use. I don't -- I don't believe these other
5 school districts that I mentioned have a
6 temporary situation. But they weren't under
7 the same circumstances of the levy and, you
8 know, the bus garage being outdated.

9 MR. VOLAS: So are they transporting in
10 propane to fill the buses, or are they using
11 permanent filling tanks?

12 MR. KITCHEN: Permanent filling tanks.
13 And I believe there are several pictures of
14 the permanents in that packet. One of those
15 is the Norwayne schools.

16 MR. VOLAS: Actually, I have a question
17 for Mr. DeOrion or Mr. Fox. I noticed in the
18 package that there are names -- or -- yeah,
19 names of property owners and addresses. And
20 I'm noticing that a lot of these owners on
21 the list, these adjacent property owners, are
22 going to a tax service and not property
23 specific.

24 So I'm wondering if, you know, other --
25 if there is a better means of communicating

1 with the neighbors that this is being done.

2 MR. FOX: I don't know if there is a
3 better way. What the requirement is is to
4 notify the owner. Even if it's not owner
5 occupied, then the owner is the one that we
6 have the obligation of serving.

7 And I would imagine that if you had a
8 tenant, that, as the landlord, you are going
9 to let the tenant know of these changes that
10 can occur. But, ultimately, the
11 responsibility, and lawfully, sits with the
12 owner.

13 MR. VOLAS: I guess let me rephrase my
14 question then. So I think it's going to be
15 the property owner. But the addressee is a
16 tax service. So my question is: Will the
17 occupant -- how certain are we that the
18 occupant of the home will open up the mail,
19 if it's addressed to them?

20 It's more of a procedure question that I
21 have. I'm noticing on this list, it seems
22 like a lot of CoreLogic, which is a real
23 estate service -- tax service. I don't know.
24 Just a question. Something unique to this
25 package. Just something maybe we want to

1 look into in the future.

2 MR. FOX: Yeah.

3 MR. FLECHTNER: Any other questions?

4 (No response.)

5 MR. FLECHTNER: I see the applicant --
6 again, the application is for a temporary and
7 permanent. I don't think we have sufficient
8 detail that we could make a decision on the
9 permanent installation, plus the fact that it
10 could be subject to change if and when they
11 get the funding, especially if they relocate
12 off site.

13 MR. VAN GUNDY: Initially, in the
14 conversations leading up to the application,
15 it was understood that the permanent tank
16 site would be in the same location as the
17 temporary. And there seems to have been --
18 at least I understood that the time frame was
19 a little more, for lack of a better word,
20 concrete.

21 But what I'm hearing tonight -- correct
22 me if I'm wrong -- that that time frame may
23 change. So we are not for sure looking at
24 summer of 2020, as I recall in the
25 application. But I also heard that the site

1 may move tonight, as well. Where, again, in
2 the conversations leading up to the
3 application, the permanent site would replace
4 the temporary site. I think it's one in the
5 same.

6 So the thought was if we had all this
7 established, then we could save a trip to
8 Planning Commission in a year from now. But
9 if we do have some of these variables, then I
10 would recommend that we do come back before
11 the Planning Commission when we have more of
12 a substantial plan for that permanent.

13 MR. FLECHTNER: Yeah. We have two
14 photographs of permanent sites. I assume
15 that -- one is in Akron and another is
16 somewhere else. But it could take -- look
17 entirely -- with the fencing around it or
18 just bollards. So I think we need to see a
19 lot more detail on the permanent site than
20 what we have tonight.

21 And I understand the economics and the
22 reasoning for the concrete. And I guess I
23 don't blame the school for trying to watch
24 the pennies and the dollars. Again, it is
25 unsightly, but it's -- are 40 or 50 buses

1 parked there any better? I would -- I would
2 think and recommend that we only give
3 consideration to the temporary site this
4 evening.

5 MR. VAN GUNDY: And I'll let the Law
6 Director correct me. My understanding, with
7 the conditional use permit, the Planning
8 Commission may make conditions upon this
9 approval for the temporary, such as time
10 limitations for this installation.

11 MR. FOX: That's correct.

12 MR. FLECHTNER: Any other questions from
13 the Commission?

14 (No response.)

15 MR. FLECHTNER: Anyone in the audience?
16 The gentleman over there from Walsh --

17 MR. VOLAS: I just have one more -- one
18 more comment. So I just want to make sure --
19 just, you know, real quick, I just want to
20 make -- applaud the school district for being
21 proactive about sustainability, especially in
22 this day and age.

23 MS. DALTON: Thank you.

24 MR. VOLAS: Being pioneers of the day.
25 It's nice to know they are thinking, forward

1 thinking.

2 MS. DALTON: Thank you.

3 MR. FLECHTNER: I think you answered that
4 question. Any new -- right now, you have
5 nine buses?

6 MS. DALTON: (Nodding head up and down.)

7 MR. FLECHTNER: And this is what you
8 will -- will probably operate the year on,
9 pending the --

10 MS. DALTON: Yes. We want it to come
11 from the budget that we have for this year.
12 We just received two new -- well, we will in
13 two weeks. But the plan is to continue with
14 those. We would eventually like to be able
15 to claim as a fleet. It's called a green
16 fleet. And you have to have a percentage of
17 buses that are reducing emissions. So we
18 plan to try to do that.

19 MR. FLECHTNER: If there are no other
20 questions from the Commission, is there a
21 motion?

22 MR. SERRA: I'd like to make a motion for
23 a conditional use permit for a temporary
24 propane tank as submitted on this site
25 drawing.

1 MR. FLECHTNER: Martin, do we need two
2 motions; one for the conditional use and then
3 one for the temporary plan? Or do we just
4 need one?

5 MR. VAN GUNDY: So we have two different
6 agenda items. Are you talking about the
7 adjudication hearing, item number 5? Five
8 and six both pertain to this project, so --

9 MR. FLECHTNER: Five is just the
10 conditional use, right?

11 MR. VAN GUNDY: Right.

12 MR. FLECHTNER: So the motion to --
13 this --

14 THE REPORTER: I can't hear you, Dennis.

15 MR. FLECHTNER: The motion we should be
16 passing at this point is for the conditional
17 use of the temporary propane tank?

18 MR. VAN GUNDY: Right.

19 MR. SERRA: I motion, sir.

20 MR. FLECHTNER: Is there a second?

21 MR. VOLAS: I'd like to amend the motion,
22 if that's okay.

23 MR. FLECHTNER: Sure.

24 MR. VOLAS: I would like it to be no
25 longer than one year. A minimum of one year,

1 and no longer than three years on a temporary
2 basis.

3 THE REPORTER: Can you say that again?
4 It's really hard to hear.

5 MR. VOLAS: I'd like to amend the motion,
6 with it being a minimum of one year and a
7 maximum of three years. Not knowing -- the
8 reason being because we don't know what the
9 school funding is going to be like.

10 MS. DALTON: Yes.

11 MR. FLECHTNER: I think the conditional
12 use permit is only valid for one year. Is
13 that correct, Mr. Fox?

14 MR. FOX: Yes, I -- I believe so.

15 MR. FLECHTNER: Just give it --
16 passing -- passing the motion for a
17 conditional use is only valid for one year.

18 MR. FOX: If at the end of the year, it's
19 not completed, they can return for the
20 application.

21 MR. VOLAS: What's the trigger for the
22 time -- time period? Is it a building permit
23 or is there an installation period? When
24 does that start?

25 MR. VAN GUNDY: In 1177.07, it talks

1 about unless substantial progress is
2 accomplished or otherwise specifically
3 approved by the Planning Commission, for the
4 duration of a conditional use permit.

5 MR. VOLAS: What's the effective date?
6 Is it the day of this meeting or the day of
7 installation?

8 MR. VAN GUNDY: As I read this, it would
9 be from this meeting. And if they don't do
10 anything in a year, it expires.

11 MR. FLECHTNER: But I think you have a
12 good point there, Peter. The conditional use
13 can continue. We can put a stipulation that
14 it's only for one year.

15 MR. VAN GUNDY: Right.

16 MR. FLECHTNER: If we'd like.

17 MR. VAN GUNDY: Right.

18 MR. FLECHTNER: I mean, they have to
19 start it within a year. So I think your --

20 MR. VOLAS: That's where I'm going with
21 it.

22 MR. FLECHTNER: Yeah, I understand. So
23 you have the correct wording?

24 THE REPORTER: Yes.

25 MR. FLECHTNER: All right. Is there a

1 second to that motion?

2 MR. VOLAS: Can we -- can we re-read the
3 motion?

4 MR. FLECHTNER: A motion and a second.

5 MR. VOLAS: I'll second the motion.

6 MR. FLECHTNER: Well, you made the
7 motion.

8 MR. VOLAS: Right. So it's one year from
9 the date of installation or the date of this
10 hearing?

11 MR. VAN GUNDY: So the one year starts
12 from the approval tonight.

13 MR. VOLAS: From the approval. All
14 right.

15 MR. VAN GUNDY: So if -- and as a
16 recommendation, you could limit it to three
17 years. The ordinance, I believe, takes care
18 of that one year. So even with -- let's say
19 the applicant -- I mean, seven buses is a
20 substantial fleet. So they obviously
21 wouldn't withdrawal seven buses from the
22 fleet. But let's say they did, then they
23 could --

24 MR. VOLAS: In theory, they should be
25 back here in a year from now to extend the

1 temporary use permit?

2 MR. VAN GUNDY: If you did it for three
3 years, they would have three years. If you
4 put a subset on a conditional use permit of
5 three years, then --

6 MR. VOLAS: That's what I'm saying, for a
7 total of three years. That's in my motion, a
8 total of three years.

9 MR. VAN GUNDY: So to be clear, you are
10 wanting to make sure --

11 MR. VOLAS: I'm going to -- I'm going
12 to -- I'm going to withdraw my part about the
13 three years.

14 MR. VAN GUNDY: Oh, I see.

15 MR. VOLAS: Okay? And leave it for one
16 year, now that I know more information
17 about --

18 MR. VAN GUNDY: Okay.

19 MR. VOLAS: One year.

20 MR. VAN GUNDY: You'd like to see the
21 applicant come back in a year?

22 MR. VOLAS: Yes. It's good for one year,
23 right? That's how it works?

24 MR. FLECHTNER: That's correct.

25 MR. FOX: And, theoretically, at that one

1 year point, much like tonight, just simply
2 update us on the status of your grants and
3 funding and so forth. And in all likelihood,
4 the success that you have, it would be
5 continued, and you could reapply, I imagine,
6 because you'd be extending the -- the benefit
7 of the use that you are asking for.

8 MR. DALPIAZ: From my perspective, the
9 purpose of going with the one year is that in
10 a year's time, if the funding is there, it
11 becomes a permanent facility, you can come
12 back and apply for the permanent use. And if
13 in one year, the funding is not there, we may
14 want to look at types of bollards, so it
15 doesn't become an eyesore, as previously
16 mentioned by some of the other members. So I
17 think it should be revisited and see where it
18 goes from there.

19 MR. FLECHTNER: Okay. Do we have a
20 second to the amended?

21 MR. DALPIAZ: I'll second it.

22 MR. FLECHTNER: Roll call, please.

23 MS. COWLES: Mr. Flechtner.

24 MR. FLECHTNER: Yes.

25 MS. COWLES: Mr. Volas.

1 MR. VOLAS: Yes.

2 MS. COWLES: Mr. Serra.

3 MR. SERRA: Yes.

4 MS. COWLES: Mr. Dalpiaz.

5 MR. DALPIAZ: Yes.

6 MR. FLECHTNER: Okay. Now voting on a
7 motion, which -- as amended, is there a
8 second to that motion? I don't believe we
9 had a second on Tom's.

10 MR. VOLAS: I'll second it. It's
11 really -- I guess is it my motion or --

12 MR. FLECHTNER: Well, probably, back --
13 we had a motion to amend. We passed that.
14 Now we have to pass the additional motion.

15 MR. FOX: You --

16 MR. FLECHTNER: I'll --

17 MR. FOX: I think what you did is what
18 you --

19 MR. FLECHTNER: Withdraw your motion.
20 Have Tom withdraw his motion. Withdraw your
21 conditional motion, and then we'll go with
22 Peter's.

23 MR. SERRA: I withdraw the motion.

24 MR. FLECHTNER: Okay. So you are good.
25 We are good. So you have a conditional use

1 for one year.

2 Moving next to the public meeting
3 portion, we do have a request from the North
4 Canton Board of Education for a temporary
5 propane tank and subsequent permanent propane
6 tank for fueling school buses.

7 I think the previous discussion led us to
8 think that we can only approve the temporary
9 location at this time, the temporary
10 development plan. Therefore, any further
11 discussion on the actual development plan for
12 the temporary propane tank location?

13 MR. DALPIAZ: No.

14 MR. FLECHTNER: If not, I would accept a
15 motion.

16 MR. DALPIAZ: I'll make a motion to --
17 for approving the general development plan
18 for the temporary propane tank only.

19 MR. FLECHTNER: Is there a second?

20 MR. VOLAS: I'll second it.

21 MR. FLECHTNER: Any further discussion?

22 (No response.)

23 MR. FLECHTNER: Roll call, please.

24 MS. COWLES: Mr. Flechtner.

25 MR. FLECHTNER: Yes.

1 MS. COWLES: Mr. Volas.

2 MR. VOLAS: Yes.

3 MS. COWLES: Mr. Serra.

4 MR. SERRA: Yes.

5 MS. COWLES: Mr. Dalpiaz.

6 MR. DALPIAZ: Yes.

7 MR. FLECHTNER: Okay. You can proceed
8 with the temporary location, with the
9 condition -- keep in mind, the conditional
10 use is only for one year. We hope that you
11 will get the funding and can proceed and come
12 back to us with a permanent location site
13 development plan. Thank you.

14 MS. DALTON: Thank you very much.

15 MR. FLECHTNER: Moving on, Walsh
16 University, a zoning amendment, application
17 request to change the zoning for parcel
18 10006600, currently zoned general business
19 district GB-B to parks and institutional
20 district, P/I.

21 MR. GREENWELL: Brian Greenwell,
22 vice-president of administration from Walsh
23 University.

24 THE REPORTER: Can you spell your last
25 name, please?

1 MR. GREENWELL: G-r-e-e-n-w-e-l-l.

2 THE REPORTER: Thank you.

3 MR. GREENWELL: I'm here to represent
4 Walsh University on changing the zoning of
5 the former BP property, which is on the
6 corner of Maple and Market, and bringing it
7 into parks and institutions, what the rest of
8 the university is. The proposal is to create
9 that as more of a green space, a fundamental
10 area. The renderings that have been drawn
11 that have been put into the packet are really
12 just renderings at this time. They are not
13 anything finalized. It's just to give you an
14 idea of what potentially could be on that
15 property.

16 What actually will be constructed will be
17 depending upon borings of the site. As you
18 know, that was a former gas station. There
19 were some remediations done on that site. So
20 as we go into engineering, borings will be
21 taken. That could change the whole
22 structure. So it would be something similar
23 to some kind of a clock tower. The final
24 rendering would be based upon what the zoning
25 is.

1 So under business, currently today, we
2 have restrictions; you know, the height
3 restrictions. So as we bring it into parks
4 and institutions, that that will allow us to
5 change the height of the tower and
6 dimensions. So the plan is to move that to
7 parks and institutions. And then as we are
8 fully funded from a donor perspective to
9 build that site, it will be done sometime in
10 the future. Again, we have to come back here
11 to the City of North Canton for approval on
12 whatever we decide to build there at that
13 time.

14 MR. FLECHTNER: Martin, your comments,
15 please?

16 MR. VAN GUNDY: The staff supports the
17 rezone. It is consistent with the adjoining
18 parcel. The proposed use is consistent with
19 the proposed zoning. And staff recommends
20 approval.

21 MR. FLECHTNER: Any questions or
22 comments?

23 (No response.)

24 MR. FLECHTNER: We are voting on a zone
25 change amendment. Our recommendation will go

1 to City Council. They will then conduct
2 another public hearing, and then pass or deny
3 our recommendation.

4 So we'll change the zoning from GB-B to P
5 and I, parks and institutions, which is
6 consistent with what Walsh College is.

7 MR. VAN GUNDY: Right.

8 MR. FLECHTNER: Any questions?

9 MR. VOLAS: Confirmation that we did get
10 a no further action letter from the Ohio EPA
11 for the removal of the tanks, right?

12 MR. VAN GUNDY: That's correct.

13 MR. FLECHTNER: Seeing none, I'll
14 entertain a motion. Anybody? Anyone in the
15 audience wish to comment?

16 (No response.)

17 MR. FLECHTNER: I'll entertain a motion.

18 MR. VOLAS: I make a motion to change the
19 zoning from B2 to parks and institutions.

20 MR. FLECHTNER: Is there a second?

21 MR. SERRA: Second.

22 MR. FLECHTNER: Any further discussion?

23 (No response.)

24 MR. FLECHTNER: Roll call, please.

25 MS. COWLES: Mr. Flechtner.

1 MR. FLECHTNER: Yes.

2 MS. COWLES: Mr. Volas.

3 MR. VOLAS: Yes.

4 MS. COWLES: Mr. Serra.

5 MR. SERRA: Yes.

6 MS. COWLES: Mr. Dalpiaz.

7 MR. DALPIAZ: Yes.

8 MR. FLECHTNER: Thank you.

9 MR. GREENWELL: Thank you.

10 MR. FLECHTNER: Okay. Our next item --
11 and I'm going to briefly discuss 8, 9, 10,
12 11, and 12. They are really all pertaining
13 to changing the wording in our current zoning
14 ordinance, which requires an amendment,
15 replacing "public hearing" with "adjudication
16 hearing."

17 I'll ask Mr. -- Patrick if he would let
18 us know what Council is planning as far as
19 future zoning.

20 MR. DEORIO: Thank you, Mr. Flechtner.
21 The City has engaged a zoning consultant
22 to -- to look at all of our zoning, top to
23 bottom, current and what future trends are in
24 the zoning rewrites throughout Ohio. They
25 are one of the leading consultants in this

1 area.

2 And the -- when this is finished -- and
3 the process has begun, and it is
4 approximately a 12-month time frame. We'd be
5 looking at sometime after the first of the
6 year, into the March period, before we have a
7 final look at everything. There will be a
8 lot of meetings and interactions between now
9 and then.

10 But, certainly, when that comes into
11 play, all the changes, all the -- that the
12 City Council and the Planning Commission may
13 consider, it might make sense to do it all at
14 one time, rather than between now and then,
15 getting additional requests from the Council
16 to keep changing zoning a piece at a time.
17 It involves public hearings on this side,
18 public hearings on the other side.

19 I certainly don't want to discourage the
20 Planning Commission from doing what they feel
21 comfortable with. I just wanted to give you
22 an overview of that. The City will do a
23 comprehensive rewrite for zoning, and that
24 you all are going to be involved in that
25 process. And with that, we don't want to

1 have a thousand public hearings on it. It
2 will get too confusing. So present it all at
3 one time.

4 So if you wish to move forward with this,
5 that's fine. If not, I'll just forward it to
6 the consultant for them to incorporate into
7 the next document.

8 MR. FLECHTNER: Yeah, I -- as I said
9 before, I think the language should be
10 consistent. And why go through the activity
11 more. We are still going to discuss 13, 14,
12 and 15, which are amendments to the zoning
13 ordinance that have -- have an impact more
14 immediately than these do.

15 So I asked Mr. Fox, and he suggested that
16 we do each one individually in simply tabling
17 of those items. Any discussion or
18 clarification that anyone has? Do you
19 understand what we are doing? So is there a
20 motion to --

21 MR. SERRA: I'll make a motion to table
22 item number 8, Resolution Number 4-2019.

23 MR. FLECHTNER: Refer to our 19-NCPB --
24 that's Planning Commission.

25 MR. SERRA: The 19 --

1 MR. FLECHTNER: Yeah.

2 THE REPORTER: I can't hear you guys.

3 MR. SERRA: I'd like to make a motion to
4 table Number 19-NCBPC-00004.

5 MR. FLECHTNER: Is there a second?

6 MR. VOLAS: I'll second it.

7 MR. FLECHTNER: Any further discussion?

8 (No response.)

9 MR. FLECHTNER: Roll call, please.

10 MS. COWLES: Mr. Flechtner.

11 MR. FLECHTNER: Yes.

12 MS. COWLES: Mr. Volas.

13 MR. VOLAS: Yes.

14 MS. COWLES: Mr. Serra.

15 MR. SERRA: Yes.

16 MS. COWLES: Mr. Dalpiaz.

17 MR. DALPIAZ: Yes.

18 MR. FLECHTNER: Okay. Next one would be
19 19-NCBPC-00005. Is there a motion?

20 MR. OSBORNE: Is there a possibility to
21 speak on item 8, since it has been in
22 discussion for, like, three months now?

23 MR. SERRA: It has been tabled.

24 MR. FLECHTNER: It has been tabled.

25 MR. OSBORNE: I understand that.

1 MR. FLECHTNER: It has been tabled.

2 MR. SERRA: I make a motion to table the
3 00005.

4 MR. FLECHTNER: Is there a second?

5 MR. VOLAS: I will second it, as well.

6 MR. FLECHTNER: Any further discussion?

7 (No response.)

8 MR. FLECHTNER: Roll call, please.

9 MS. COWLES: Mr. Flechtner.

10 MR. FLECHTNER: Yes.

11 MS. COWLES: Mr. Volas.

12 MR. VOLAS: Yes.

13 MS. COWLES: Mr. Serra.

14 MR. SERRA: Yes.

15 MS. COWLES: Mr. Dalpiaz.

16 MR. DALPIAZ: Yes.

17 MR. FLECHTNER: Just briefly, these items
18 we have been operating -- we had one tonight
19 where there is a conditional use. We have
20 an -- an adjudication hearing, and so we'll
21 operate in that manner now. So nothing will
22 change with the way Planning Commission has
23 or will operate in the future. We just want
24 to clarify and make the language that we come
25 up with consistent with what is being

1 considered by City Council at this time.

2 MR. OSBORNE: Since you are already
3 trying to operate --

4 MR. FOX: You are out of order.

5 MR. FLECHTNER: I just clarified your
6 question. There is a motion on -- oh,
7 we're -- the next item will be
8 19-NCBPC-00006. A motion to table.

9 MR. SERRA: I'd like to make a motion to
10 table that.

11 MR. FLECHTNER: Is there a second?

12 MR. VOLAS: I'll second it.

13 MR. FLECHTNER: Any further discussion?

14 (No response.)

15 MR. FLECHTNER: Roll call, please.

16 MS. COWLES: Mr. Flechtner.

17 MR. FLECHTNER: Yes.

18 MS. COWLES: Mr. Volas.

19 MR. VOLAS: Yes.

20 MS. COWLES: Mr. Serra.

21 MR. SERRA: Yes.

22 MS. COWLES: Mr. Dalpiaz.

23 MR. DALPIAZ: Yes.

24 MR. FLECHTNER: All right. The next item
25 will be 19-NCBPC-00007.

1 MR. SERRA: I'd like to make a motion to
2 table that.

3 MR. FLECHTNER: Is there a second?

4 MR. VOLAS: Second.

5 MR. FLECHTNER: Any further discussion?

6 (No response.)

7 MR. FLECHTNER: Roll call, please.

8 MS. COWLES: Mr. Flechtner.

9 MR. FLECHTNER: Yes.

10 MS. COWLES: Mr. Volas.

11 MR. VOLAS: Yes.

12 MS. COWLES: Mr. Serra.

13 MR. SERRA: Yes.

14 MS. COWLES: Mr. Dalpiaz.

15 MR. DALPIAZ: Yes.

16 MR. FLECHTNER: Okay. The next item,
17 19-NCBPC-00008.

18 MR. SERRA: I'd like to make a motion to
19 table that.

20 MR. FLECHTNER: Is there a second?

21 MR. VOLAS: Second.

22 MR. FLECHTNER: Roll call, please.

23 MS. COWLES: Mr. Flechtner.

24 MR. FLECHTNER: Yes.

25 MS. COWLES: Mr. Volas.

1 MR. VOLAS: Yes.

2 MS. COWLES: Mr. Serra.

3 MR. SERRA: Yes.

4 MS. COWLES: Mr. Dalpiaz.

5 MR. DALPIAZ: Yes.

6 MR. FLECHTNER: Okay. The next item on
7 the agenda is 19-NCBPC-00009, request from
8 City Council to modify the schedule of fees
9 pertaining to permits and fees for concrete
10 work. And I would first ask for a motion to
11 change "cement" to "concrete."

12 MR. DALPIAZ: Thank you. Thank you.

13 MR. FLECHTNER: Eric and I can relate to
14 this. Right, Eric?

15 MR. DALPIAZ: Yep.

16 MR. FLECHTNER: Is there a motion to
17 amend the language?

18 MR. DALPIAZ: I make a motion to amend
19 the language to be "concrete work" and not
20 "cement work."

21 MR. VOLAS: I'll second that.

22 MR. FLECHTNER: Any further discussion?

23 (No response.)

24 MR. FLECHTNER: Roll call, please.

25 MS. COWLES: Mr. Flechtner.

1 MR. FLECHTNER: Yes.

2 MS. COWLES: Mr. Volas.

3 MR. VOLAS: Yes.

4 MS. COWLES: Mr. Serra.

5 MR. SERRA: Yes.

6 MS. COWLES: Mr. Dalpiaz.

7 MR. DALPIAZ: Yes.

8 MR. FLECHTNER: All right.

9 MR. VAN GUNDY: If I may, I have a
10 question for the Law Director, given this is
11 a special meeting. My understanding is, with
12 this being a special meeting, we could not
13 revise the agenda. I fully support the
14 change for concrete -- cement to concrete.
15 But is that okay that we revise that?

16 MR. FOX: Yes. This is -- the reason to
17 change -- to not have changes in special
18 meetings is so that you don't perhaps mislead
19 the public, to tell them that this meeting is
20 a certain specific subject, and then you
21 amend it to add something that's completely
22 out of context here.

23 I would imagine the vast majority of lay
24 people know the difference between cement and
25 concrete. And so, essentially, we are

1 amending that to be spot on with the -- with
2 the ordinance. It's not a true substantive
3 change for a meeting. And I believe we have
4 the right to pursue amending that in a
5 special meeting. It's not a significant
6 amendment here.

7 We are looking at the schedule of fees,
8 and I think when you look at it, someone
9 making the determination between concrete and
10 cement, outside of our Board and experts,
11 they wouldn't know the difference.

12 MR. VAN GUNDY: Thank you.

13 MR. FLECHTNER: Martin, you want to
14 explain this?

15 MR. VAN GUNDY: Absolutely. I apologize.
16 As our fee structure is currently, it would
17 require \$75 for any concrete work. The
18 proposed would reduce that fee to \$40 for any
19 sidewalk replacement with 40 square feet or
20 less.

21 There are many reasons for that.
22 Obviously, ease the burden of obtaining those
23 permits to do the work, where the cost is not
24 proportionate. And --

25 MR. DEORIO: I can jump in.

1 MR. VAN GUNDY: Thank you. I was about
2 to ask. I know I'm missing something.

3 MR. DEORIO: Yeah, so the intent of this
4 was, after discussion with members in the
5 trade, the building trades and other
6 contractors, it was taking some feedback from
7 them to try to bring North Canton practices
8 and fee structure in line with what's going
9 on in other communities around us.

10 So in addition to lowering the fee and
11 placing a square footage requirement on that,
12 it is also differentiating between work to be
13 done on private property, outside of the
14 public right-of-way. So perhaps the walkway
15 that goes to your front porch, your steps are
16 concrete; the part of the sidewalk that goes
17 to your front porch is on private property.
18 That would be exempted from pulling a permit
19 for that.

20 Presently, you would have to -- under the
21 current ordinance, you have to do that. No
22 other communities in Stark County require
23 that on private property. So we are really
24 regulating what is happening in the public
25 right-of-ways. The sidewalk is in the public

1 right-of-way. The driveway apron is in the
2 public right-of-way, the curb could be in the
3 public right-of-way. All would require a
4 permit for the building department.

5 There is a zoning issue. For instance,
6 if you are going to buy a new driveway, and
7 you would still have the setback requirement
8 from the side of the property line. You
9 still have to meet that. If you were to
10 install it and violate that -- that 5-foot
11 requirement, you would end up having a
12 problem and end up having to move it.

13 There is also a requirement regarding
14 what's the percentage of structures that
15 could be in your yard. Sixty percent of your
16 yard can't be concrete. You know, you can't
17 put a driveway expanding into the front of
18 the house, taking up the whole front yard for
19 a parking lot. There are all these zoning
20 things that require that.

21 But from a building permit side, we want
22 to inspect what's happening in the sidewalk,
23 because ultimately, if it's installed
24 incorrectly, and it -- and it breaks up and
25 causes a hazard and someone is injured, it

1 could come back on the City. So we are
2 interested in that. And, likewise, with
3 aprons. So the engineering department is
4 involved with the public right-of-way portion
5 of it.

6 So we wanted to make that a little bit
7 easier then for homeowners who have a few
8 pads of driveway that need to be replaced
9 that are not in the public of right-of-way.
10 That's an issue between them and the
11 contractor how they want that job done.

12 MR. VAN GUNDY: So to clarify, the fees
13 and the permitting was in that same
14 conversation. For the agenda, we separated
15 the fees from the permits.

16 Item 13 here, that ends in 00009,
17 essentially was proposing the fee reduction
18 from \$75 to \$40. And the next item that
19 you'll be considering considers revising
20 where zoning certificates are required, and
21 what doesn't require a zoning permit and what
22 does. So for this item, it's reducing the
23 fee for 40 square feet or less of concrete,
24 from \$75 to \$40.

25 MR. FLECHTNER: Any questions from the

1 audience?

2 MR. OSBORNE: Chuck Osborne, 307 Fairview
3 Street, Southeast, North Canton, Ohio. I am
4 totally opposed to this change. You are
5 starting to cherry pick what requires a
6 permit and what doesn't. I think you are
7 creating confusion.

8 Cement work, concrete work, whatever you
9 want to call it, it requires a significant
10 investment. It requires a great deal of
11 technical skills. I don't think you should
12 give up and let a homeowner throw themselves
13 to the character of their contractor.

14 We regulate the grass in our front yard,
15 but now you are just going to let them make a
16 major investment in concrete on their
17 property, and just say go at it. I think
18 this is a wrong move.

19 You need the guidance and oversight.
20 Just because you have met with a handful of
21 contractors who are honest and trustworthy
22 doesn't mean you should give a blanket
23 approval and forget about the rules. So I'm
24 opposed to it, relinquishing a required
25 permit for concrete work. If it's screwed

1 up, not only have you spent a lot of money
2 putting it in there, it requires extensive
3 equipment, time and expertise to remove it
4 and redo it. So this is not the -- the path
5 to go. Thank you.

6 MR. FLECHTNER: Thank you.

7 MR. SERRA: Martin, please clarify one
8 thing. In order to do work in the City of
9 North Canton, you have to be a registered and
10 a licensed contractor, correct?

11 MR. VAN GUNDY: That's correct.

12 MR. SERRA: So they are still pulling a
13 permit; it's just a reduction to \$40?

14 MR. VAN GUNDY: For this item, that's
15 correct.

16 MR. SERRA: Okay.

17 MR. FLECHTNER: Any other discussion,
18 comments from the Commission?

19 MR. OSBORNE: That's only if you are
20 putting in a little piece of sidewalk.

21 MR. FLECHTNER: You are not the
22 Commission. You had your say. Thank you.

23 Any other? I'll entertain a motion.

24 MR. DALPIAZ: I'll motion to -- for
25 19-NCBPC-00009, to reduce the fee from \$75 to

1 \$40, and to the appropriate language.

2 MR. FLECHTNER: Is there a second?

3 MR. SERRA: Second.

4 MR. FLECHTNER: Any further discussion?

5 (No response.)

6 MR. FLECHTNER: Roll call, please.

7 MS. COWLES: Mr. Flechtner.

8 MR. FLECHTNER: Yes.

9 MS. COWLES: Mr. Volas.

10 MR. VOLAS: Yes.

11 MS. COWLES: Mr. Serra.

12 MR. SERRA: Yes.

13 MS. COWLES: Mr. Dalpiaz.

14 MR. DALPIAZ: Yes.

15 MR. FLECHTNER: Okay. The next item,

16 19-NCBPC-00010, amendment to the zoning

17 ordinance for zoning certificates and

18 certificates of occupancy, specifically,

19 Section 1173.02, zoning certificates

20 required.

21 Martin, do you want to tell us what this
22 one is?

23 MR. VAN GUNDY: Absolutely. Currently,
24 the zoning code requires a zoning permit, or
25 zoning certificate, in this case, for any

1 concrete work being done on any property.
2 This section particularly only modifies
3 single-family dwellings and accessory
4 thereto. And it limits when a zoning
5 certification is required, particularly for
6 patios located in the rear yard of -- of
7 these single-family properties, as well as
8 private sidewalks, which are consistent with
9 concrete and -- by the way, on the concrete,
10 that is located outside the public
11 right-of-way. So if they are working in the
12 right-of-way, permits are still required.

13 And the last one is the zoning
14 certificate would not be required for the
15 replacement of the legally-established
16 driveway, again, which is not located in the
17 right-of-way.

18 And as part of this research, we did call
19 around the adjoining communities, and even
20 with this amendment, we are still requiring
21 permits for more than most of the
22 communities. So this -- this does get us
23 closer in line to some of the communities.

24 And another thing to consider is with the
25 items of patios located in the rear yard, the

1 properties are still subject to the maximum
2 coverage area in the residential zone
3 district. So they still can't exceed the 60
4 percent. The only thing is we are not going
5 to be out there looking at that every time
6 they pour a pad.

7 This is in the backyard, very little
8 impact on the rest of the community, and it
9 really leaves it up to the property owner to
10 make sure they are in compliance with that
11 rear yard maximum coverage.

12 This -- and to further clarify, the
13 private sidewalks, consistent with concrete,
14 not -- specifically, what was in mind was
15 those sidewalks from the driveway to the
16 front door. Those would not require a zoning
17 certificate.

18 The main thing is -- one of the main
19 reasons we didn't want to get away from
20 allowing concrete with no oversight was we do
21 have the off-street parking requirements and
22 no overnight parking. And the concern was
23 that we would end up with front yards covered
24 in concrete and being used as parking lots.

25 So that should still be addressed in

1 here. That will still be part of the review
2 process for new driveways and so forth. But
3 we do limit when a permit is required on some
4 of these other concrete projects that have
5 little or no impact.

6 MR. FLECHTNER: Thank you. Anyone in the
7 audience have comments? Questions, comments
8 from the Commission?

9 MR. DALPIAZ: Can you clarify, Martin?
10 So replacement of legally-established
11 driveways, you said that would be -- the
12 superintendent of permits may approve that
13 application?

14 MR. VAN GUNDY: Yeah, so this -- this
15 particular section is covering a fair amount.
16 This also covers the single-family dwelling
17 itself. So when we are talking about a
18 legally-established driveway, that -- that's
19 on its own. And that really is addressing
20 the driveway that was already inspected. The
21 dimensions were inspected. We did a review
22 on it. And they are simply removing that in
23 its same dimensions and replacing it in the
24 same dimensions. We are not requiring a
25 zoning certificate on that, as they are not

1 changing anything.

2 The other thing that could address is
3 let's say there was a driveway poured in the
4 1900s, you know, turn of the century, that
5 predates any zoning requirements, and it was
6 legal when it was there. They pull it out
7 and put it right back. As long as they use
8 the same dimensions, it would not require a
9 zoning certificate.

10 MR. DALPIAZ: And the patio, could you
11 explain the patio, kind of, the rear yard
12 again?

13 MR. VAN GUNDY: Absolutely. So the patio
14 located in the rear yard, essentially that's
15 anything -- and the rear yard is defined for
16 us in the zoning code, where the --

17 THE REPORTER: I'm sorry. Say again.
18 "The rear yard" --

19 MR. VAN GUNDY: The rear yard is defined
20 in the zoning code. So that definition will
21 tell us where this is on any given
22 residential zoned property. And this
23 allowance would allow anyone in the
24 residential zoning district for a
25 single-family dwelling to pour any kind of

1 patio. That's essentially any flat work
2 in -- in the rear yard area.

3 So this would not apply -- to clarify,
4 this would not apply to decks, for example.
5 This is more concrete flat work, essentially.
6 Is that --

7 MR. DALPIAZ: Yes. But -- but that
8 wouldn't -- so nothing would be required to
9 do that, I guess, is the question. So --

10 MR. VAN GUNDY: To do the flat work?

11 MR. DALPIAZ: To do -- so that -- the --
12 if I come and I say I want to do a patio in
13 my rear yard, that would require me not to
14 have to come in and present that --

15 MR. VAN GUNDY: Right.

16 MR. DALPIAZ: -- whatsoever?

17 MR. VAN GUNDY: Right. And that patio
18 would still be -- as I mentioned earlier,
19 that patio would still be subject to the
20 maximum rear yard coverage. So that's not
21 exempted here. Only that the requirement for
22 someone from the City to verify it meets --
23 that's what we are waiving here is that
24 requirement for an inspection and plan
25 review, essentially.

1 Now, if -- if someone wanted to, they can
2 certainly voluntarily apply for this and have
3 those inspections --

4 MR. DALPIAZ: Well, I guess my question
5 is: What would prevent someone from covering
6 the whole backyard with concrete?

7 MR. VAN GUNDY: That would be -- that's
8 getting into the proactive versus reactive
9 enforcement. The permits for this are a
10 proactive enforcement under the rules, where
11 we are essentially flipping the gears on
12 this, saying we are not going to be proactive
13 to help keep some of these projects moving
14 along, and to, you know, remove some of the
15 costs on these. But -- and, again, for
16 projects that have little -- or maybe no
17 impact, but certainly little impact on the
18 rest of the community.

19 MR. DALPIAZ: Well, I guess my concern
20 is -- personally, my yard, it's an acre. So
21 if I cover my entire yard -- rear yard with
22 concrete, it would definitely impact the
23 community.

24 MR. VAN GUNDY: That's a good point.

25 MR. DALPIAZ: And there would be no

1 recourse, so to speak, unless someone
2 complained.

3 MR. VAN GUNDY: Right. A complaint --
4 because we are not -- obviously, in most
5 cases, we are not going to see that from the
6 street. We do have a nuisance officer that
7 does drive the community and are looking for
8 certain violations. If they can see it, then
9 it could come up at that point.

10 But in most cases, it's usually a
11 neighbor that complaints, is where we get
12 most of our complaints, you know, nuisance
13 cases from. And at that point, it is
14 enforceable.

15 So if you are wanting a -- your whole
16 rear yard covered in concrete, or any
17 impervious surface, for that matter, it would
18 be enforceable through the nuisance abatement
19 process.

20 MR. DALPIAZ: How successful is that
21 nuisance abatement process?

22 MR. DEORIO: I'm sorry?

23 MR. DALPIAZ: How successful is that
24 nuisance abatement process?

25 MR. DEORIO: Well, that is also another

1 matter that has been considered by the City
2 Council. It was introduced to them before
3 they went on break. They judge it based on a
4 previous history. To date, we would have to
5 say that it is not getting the job done, as
6 it relates to concrete work. Sidewalks,
7 driveways need replaced.

8 So we -- the City Council recognizes that
9 and they want to go a different approach.
10 The approach that they are considering, they
11 have not had -- but we're reading on it.
12 They are going to work on it over the break
13 and come back in the fall, August 19th, and
14 see if -- where they are at with it.

15 But they were considering that in the
16 event that there is concrete work that needs
17 to be abated, in owner-occupied residential
18 properties only, they would consider
19 splitting the cost with the homeowner to get
20 that done.

21 Presently, it's not getting done. And we
22 can -- we can cause the sidewalk or driveway
23 to be repaired and send contractors out, lien
24 the property, but the City will expend
25 thousands and thousands of dollars to make

1 that happen.

2 MR. DALPIAZ: I guess that's my concern.
3 Some of these things, I do agree with. I
4 agree with if someone wants to replace the
5 sidewalk, have at it. It's not changing
6 size, dimensions. I don't think that should
7 be a burden on permitting or the homeowner
8 for cost.

9 The same thing for a driveway, like you
10 mentioned, a nonconforming driveway that was
11 approved before -- you know, before zoning
12 was approved. If they just want to replace
13 it, feel free to replace it, you know. I
14 don't want to cause the homeowner an issue or
15 have it be a \$75 or \$150 fee. That's
16 ludicrous.

17 But when it comes to things like a new
18 patio in the rear yard, having someone take
19 the liberty to do that themselves, I have a
20 concern with from a development perspective.
21 Because that could not only cause an eyesore,
22 but it could cause a water drainage problem
23 and so many more issues.

24 And if we don't have the authority in
25 place to get that ripped out or immediately

1 have the homeowner fix it, that can be a
2 long-term issue for a neighbor, especially a
3 neighborhood like mine. Like I said, we have
4 acre lots. If I cover my entire rear yard,
5 that is going to affect a lot of downstream
6 people.

7 And I understand the point of the text
8 completely, but I think maybe it needs
9 massaged and more detailed to kind of split
10 some of these things out, because I guess I
11 have an issue with somebody designing a patio
12 in their yard without even just a -- permits
13 doing that, you know, a quick cursory glance
14 of it. That's what worries me.

15 I mean, even if it doesn't eventually get
16 inspected, the fact that Martin looked at it
17 would have someone say, you know, you can't
18 do this, and they'll say, okay. And they
19 would think that someone maybe would come and
20 inspect it. You know, just having the
21 authority to look over it is, I think, an
22 important thing, personally.

23 MR. DEORIO: I think the sentiments
24 expressed to Council -- and I'm just the
25 messenger here. It has been conveyed to

1 Council from the contracting community -- the
2 good contractors -- they are not interested
3 in coming to North Canton to do this work,
4 because it's "oh, I've got to get this
5 inspection; I have to have these permits."
6 And it slows the job down.

7 And the cement work, that's probably more
8 problematic than electrical or HVAC. And so
9 what it leaves then are the ones that are
10 less desirable to come in on the weekends and
11 operate without a license and do the work.

12 MR. DALPIAZ: Right. I understand your
13 intent, definitely. And I have heard the
14 same sentiments from the commercial side of
15 the spectrum, that people don't want to build
16 things here because of the permits. But I
17 have a real concern about concrete flat work
18 of that size and no one checking whatsoever.

19 I mean, even if a contractor doesn't have
20 to pull a permit, require the owner just to
21 bring a sketch in, to say, hey, this is what
22 I'm going to do. It could prevent a lot of
23 problems. That's my concern.

24 MR. FOX: Just to follow up on that. We
25 have our housing officers and nuisance

1 officers, and one of the things that --
2 certainly that they look at when they are
3 aware of the work that's being performed, and
4 perhaps --

5 THE REPORTER: I'm having -- I'm --

6 MR. FOX: They are checking that they
7 have -- whether or not a permit has been
8 pulled. There isn't -- there really isn't
9 difficulty in enforcing that, and whether or
10 not someone is just simply staying within
11 that same footprint. I think it leads us to
12 send someone there to verify that -- that
13 they haven't exceeded. And when we have that
14 situation, then we, you know, follow through.

15 And I have virtually had to have people
16 expend resources to take something down that
17 they applied for and the permit was denied.
18 They simply ignored us and paid the
19 contractor to do the work. And we have the
20 support of the Canton Municipal Court and the
21 prosecutors, and we prosecuted the case. And
22 it was kind of unusual.

23 And then that last situation, where the
24 person qualified for a public defender, and
25 the City is also paying the prosecutor to

1 prosecute the case. So we are paying for
2 both sides. But the ultimate result that we
3 conveyed to the prosecutor is we just want
4 you to follow the rules. And you understood
5 that we are authorized to put this in place.

6 And they asked if they removed it, if
7 we'd request the Court to dismiss the
8 complaint. And they did. And the Court did,
9 but with costs towards them.

10 So for someone that exceeds that
11 footprint, that, as you said, you are going
12 to just pour concrete and cover the whole
13 backyard, our nuisance officer has the
14 authority to come out there, and we have the
15 authority to obtain administrative warrants
16 to trespass on the property, if you will, in
17 the name of the City, to verify that they are
18 in compliance.

19 And if they are not in compliance, you
20 have the opportunity to bring it into
21 compliance, and if you don't, we'll prosecute
22 these things. And they contain both, you
23 know, monetary and confinement. So they
24 really get people's attention when you could
25 spend 60 days in jail. And there is a per

1 day violation that goes on with that.

2 So, really, once the prosecutor and the
3 Court have a pretrial and a meeting to
4 explain these things to them, what normally
5 happens is they say, what do you want. We
6 just want you to bring this into compliance.

7 So for those that exceed those
8 footprints, nothing prevents our -- our
9 officers from coming in and making note of
10 that, bringing it to the Law Director's
11 attention. And, you know, we always try the
12 easiest approach possible. Perhaps you
13 weren't aware of this; perhaps you were. And
14 give them the opportunity to resolve it. If
15 they choose not to, those tools are available
16 to us.

17 MR. FLECHTNER: Any further discussions?
18 Questions or comments? Is there a motion?
19 And, again, we are recommending -- or we are
20 taking on a vote to not recommend that the
21 Council proceed with this. But they will
22 conduct their own public hearing, and they
23 have the final say. They just have to go
24 through different procedures if we would
25 happen to deny it. Is that correct?

1 MR. FOX: That's correct, sir.

2 MR. FLECHTNER: So we need to -- a motion
3 to approve, and it could be voted up or down.

4 MR. SERRA: I make a motion to approve
5 19-NCBPC-00010.

6 MR. FLECHTNER: Is there a second?

7 (No response.)

8 MR. FLECHTNER: I would second it to get
9 a vote. Any further discussion?

10 (No response.)

11 MR. FLECHTNER: Roll call, please.

12 MS. COWLES: Mr. Flechtner.

13 MR. FLECHTNER: Yes.

14 MS. COWLES: Mr. Volas.

15 MR. VOLAS: No.

16 MS. COWLES: Mr. Serra.

17 MR. SERRA: Yes.

18 MS. COWLES: Mr. Dalpiaz.

19 MR. DALPIAZ: No.

20 MR. FLECHTNER: Okay. This will go to
21 City Council as a 2/2 vote. It's required
22 that we have a majority of the Commission
23 members, which we do not, so we will proceed
24 accordingly.

25 Our next item, final item, is

1 19-NCBPC-00011, resolution amending zoning
2 ordinance for procedures for zoning
3 certificates, certificates of occupancy, and
4 administrative -- adding a new section for
5 administrative waiver requests. Is there a
6 motion?

7 MR. SERRA: Can we have an explanation of
8 this, Chairman?

9 MR. FLECHTNER: Yes.

10 MR. OSBORNE: I can't hear you.

11 MR. FLECHTNER: Excuse me. Martin, would
12 you provide some explanation on this?

13 MR. VAN GUNDY: Absolutely. Most zoning
14 codes have some kind of latitude for the
15 permits, for the superintendent of permits.
16 This zoning code doesn't. So this would
17 allow the superintendent of permits to have
18 some discretion of some of the zoning code
19 requirements, up to 10 percent, under certain
20 circumstances.

21 Of course, that would not allow any kind
22 of discretion by the permits of
23 superintendent {sic} for parceled ground,
24 parceled area, but I think it could possibly
25 apply to setbacks, let's say, up to 10

1 percent of the required setback or sign area,
2 if there is an unusual circumstance with a
3 sign.

4 Keep in mind, this does apply to the
5 zoning code in its entirety, where it is
6 prescribed, of course. Essentially, this
7 gives some latitude and takes a few
8 things away, some minor things -- I would say
9 more minor things from having to go to ZBOA
10 for a variance.

11 Outside of this, essentially, if it
12 doesn't meet the zoning code, they would have
13 to apply for a variance through the zoning
14 board of appeals.

15 MR. FLECHTNER: Any questions from the
16 audience?

17 MR. OSBORNE: Chuck Osborne, 307 Fairview
18 Street, Southeast, North Canton, Ohio. We
19 have a zoning code for a purpose. We should
20 uphold our laws, expect everybody to obey our
21 laws. And to start creating ways to
22 circumvent these laws, I would be totally
23 against.

24 I'd also say I'm not entirely a fan of
25 the -- an outside third party doing our

1 permits and inspection. So --

2 MR. FLECHTNER: That's not on the agenda.

3 MR. OSBORNE: Mr. Flechtner, I can make
4 my comments.

5 MR. FLECHTNER: Only pertaining to the --

6 MR. OSBORNE: And this pertains. This
7 pertains. You are eating up my time. Can I
8 finish? So I would not give an outside party
9 approval to circumvent the laws that we have
10 in force. Thank you.

11 MR. FLECHTNER: Thank you. Questions,
12 comments, discussion from the Commission?

13 Question, Mr. DeOrio; how -- you know, we
14 tabled several other items that we were going
15 to leave up to the group that is considering
16 modifications.

17 MR. DEORIO: Yes, sir.

18 MR. FLECHTNER: A reason this can't be
19 thrown into that or -- what's the urgency
20 that you need this amendment at this point?

21 MR. DEORIO: Certainly, we'd be welcome
22 to that.

23 MR. FLECHTNER: So we have options of
24 tabling it or voting on it to send it back to
25 Council to proceed with it or not.

1 MR. VOLAS: I move to table the -- table
2 the resolution.
3 MR. FLECHTNER: Is there a second?
4 MR. DALPIAZ: I'll second.
5 MR. FLECHTNER: Roll call, please.
6 MS. COWLES: Mr. Flechtner.
7 MR. FLECHTNER: Yes.
8 MS. COWLES: Mr. Volas.
9 MR. VOLAS: Yes.
10 MS. COWLES: Mr. Serra.
11 (No response.)
12 MS. COWLES: Mr. Dalpiaz.
13 MR. DALPIAZ: Yes.
14 MR. SERRA: Yes.
15 MR. FLECHTNER: Seeing nothing else on
16 the agenda, I'll -- I think I'll entertain a
17 motion to adjourn.
18 MR. DALPIAZ: I make a motion to adjourn.
19 MR. FLECHTNER: Is there a second?
20 MR. VOLAS: Second.
21 MR. FLECHTNER: All in favor, say "aye."
22 MR. SERRA: Aye.
23 MR. FLECHTNER: Aye.
24 MR. VOLAS: Aye.
25 MR. DALPIAZ: Aye.

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MR. FLECHTNER: Thank you.

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(This proceeding concluded at 8:24 p.m.)

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C E R T I F I C A T E

STATE OF OHIO,)
)
STARK COUNTY.)

I, Shannon Roberts, 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 13th day of August, 2019.

Shannon Roberts, Notary Public
My commission expires February 2, 2023