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CITY OF NORTH CANTON, OHIO

IN RE:	)	
	)	
NORTH CANTON VIRTUAL	)	
COMMITTEE OF THE WHOLE	)	
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, via Teleconference, North Canton, Ohio, on Monday, the 20th day of April, 2020, at 7:00 p.m.

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APPEARANCES:

- Daniel Jeff Peters, President
- Daryl Revoldt, Vice-President
- Douglas Foltz, Member, Ward 1
- Stephanie Werren, Member, Ward 3
- Dominic Fonte, Member, Ward 4
- Matthew Stroia, Member, At Large
- Mark Cerreta, Member, At Large
- Timothy Fox, Director of Law
- Patrick DeOrion, Director of Administration
- Stephan B. Wilder, Mayor
- Catherine Farina, Deputy Director of Administration
- Jina Alaback, Director of Finance
- Robert Graham, PE
- Martin Van Gundy, IV, Chief Building Officer
- Benjamin R. Young, Council Clerk

- - - - -

1 MR. PETERS: All right. Good evening,  
2 everyone. Welcome to the North Canton City  
3 Council Committee of the Whole meeting, April  
4 20th, 2020, 7:00 p.m., via teleconference.

5 Ben, will you please call the roll?

6 MR. YOUNG: Member Stroia.

7 MR. STROIA: Here.

8 MR. YOUNG: Member Cerreta.

9 MR. CERRETA: Here.

10 MR. YOUNG: Member Revoldt.

11 MR. REVOLDT: Here.

12 MR. YOUNG: Member Fonte.

13 MR. FONTE: Here.

14 MR. YOUNG: Member Werren.

15 MS. WERREN: Here.

16 MR. YOUNG: Member Peters.

17 MR. PETERS: Here.

18 MR. YOUNG: Member Foltz.

19 MR. FOLTZ: Here.

20 MR. YOUNG: Seven present.

21 MR. PETERS: All right. Thank you very  
22 much. And first up is Community Economic  
23 Development Committee. Before we begin, I'm  
24 under the impression that Members Fonte and  
25 Stroia wish to abstain from the discussion

1 for item A. Is that still correct?

2 MR. FONTE: Yes.

3 MR. STROIA: Correct. Yes.

4 MR. PETERS: All right.

5 MR. REVOLDT: Mr. President -- Mr.  
6 President -- okay. Let them -- let them  
7 abstain -- abstain and take them out of the  
8 conversation. Go ahead.

9 MR. PETERS: All right. Ben, can you,  
10 for the -- for the moment, put them on mute  
11 for item A?

12 MR. YOUNG: They are muted.

13 MR. PETERS: All right. Thank you.

14 Chairman Revoldt --

15 MR. REVOLDT: Thank you --

16 MR. PETERS: -- the floor is yours.

17 MR. REVOLDT: -- Mr. President. We have  
18 in our packets a draft of the CRA  
19 legislation. I would like to ask this  
20 evening for a motion and a second to table  
21 this. We still have a couple of details to  
22 work out. I'm not comfortable proceeding at  
23 this point. So we have -- if I could have a  
24 motion -- I'll make the motion to table this  
25 until --

1 MR. CERRETA: I'll second it.

2 MR. REVOLDT: It has been tabled, a  
3 second.

4 MR. PETERS: All right. We have a -- we  
5 have a motion and a second. All in favor,  
6 say "aye."

7 MR. FOLTZ: Aye.

8 MR. PETERS: Aye.

9 MR. REVOLDT: Aye.

10 MR. CERRETA: Aye.

11 MS. WERREN: Aye.

12 MR. PETERS: Opposed?

13 (No response.)

14 MR. PETERS: Motion carries.

15 Okay. Ben, can you bring them back in  
16 for B then, please?

17 THE REPORTER: Who seconded?

18 MR. REVOLDT: Okay. Can we go on to item  
19 B then?

20 MR. FOLTZ: Who second?

21 MS. FARINA: Shannon, I think it was  
22 Stroia.

23 THE REPORTER: Thank you. No. He  
24 abstained.

25 MR. CERRETA: Cerreta. Cerreta seconded.

1 MR. STROIA: It wasn't me.

2 MR. CERRETA: Cerreta seconded.

3 MR. STROIA: I abstained.

4 THE REPORTER: Thank you, Mark.

5 MR. CERRETA: You're welcome.

6 MR. REVOLDT: Are we ready for item B?

7 MR. PETERS: Yes, sir.

8 THE REPORTER: Yes.

9 MR. REVOLDT: We have a request from  
10 Stark County Board of Commissioners to renew  
11 or participate again in the Federal Community  
12 Development Block Grant Program. We have  
13 done this for the past 27 years. It needs --  
14 the County needs legislation from us for  
15 participation in the fiscal years '21, '22,  
16 and '23. This isn't particularly  
17 controversial. Is there any discussion?

18 MR. PETERS: Daryl, I do have a question.

19 MR. REVOLDT: Yes.

20 MR. PETERS: Have we approved this in  
21 three-year blocks before, or is this  
22 something that the County has asked us to do?

23 MR. REVOLDT: I think we have done this  
24 in three-year blocks in the past.

25 MR. PETERS: Have we?

1 MR. REVOLDT: My recollection is --

2 MR. YOUNG: The previous approval was a  
3 two-year block. The --

4 MR. REVOLDT: Okay.

5 MR. YOUNG: -- County this year was for a  
6 three-year block.

7 MR. REVOLDT: Okay.

8 MR. PETERS: Thank you, Ben.

9 MR. FOLTZ: I motion --

10 MR. REVOLDT: Okay.

11 MR. FOLTZ: Motion to move it forward to  
12 Council.

13 MR. REVOLDT: Okay. Do we have -- do we  
14 have four votes to do it, the legislation?

15 MR. CERRETA: Yes.

16 MR. PETERS: Yes.

17 MR. REVOLDT: All right. Clerk, would  
18 you please place this on the agenda for next  
19 Monday, for our next regular Council meeting?

20 All right. We have a rec -- item C is  
21 the Planning Commission. We have a  
22 recommendation from the Planning Commission,  
23 making some adjustments in our fence  
24 regulations. These recommendations, I know  
25 Marty is on. But, Marty, if you'll hang on a

1 second.

2 What we need to do is we need to set a  
3 public hearing for these recommendations.  
4 And at that -- after that, we have the  
5 opportunity to discuss and then reject,  
6 accept, or accept with amendments the  
7 Planning Commission's recommendation.

8 Marty, I'm not sure we need to get into  
9 the grass tonight on this. But we do need to  
10 set a public hearing date for -- for June  
11 1st.

12 MR. DEORIO: Daryl --

13 MR. REVOLDT: Yes.

14 MR. DEORIO: -- it might be helpful if  
15 Martin were able to just -- just --

16 MR. REVOLDT: Yeah. Okay.

17 MR. DEORIO: -- accentuating some bullet  
18 points, so that the public would know what it  
19 is the public hearing is going to be about.

20 MR. REVOLDT: Okay. Very good. Marty,  
21 go ahead.

22 MR. VAN GUNDY: Okay. Can you hear me?

23 MR. REVOLDT: Yes.

24 MR. VAN GUNDY: Very good. So as you see  
25 on the screen there, that's the high level of



1 changes. And what we are seeing is our  
2 current ordinance is pretty vague, if you  
3 will. It's -- it's a single paragraph to  
4 address a fairly complex situation of walls,  
5 fences, and hedges.

6 The proposed ordinance provides many  
7 regulations, if you will, that clarifies what  
8 we would expect to see with fences,  
9 particularly starting out with, as you see,  
10 clarifying the permit requirements. There  
11 are some circumstances when a permit might  
12 not be required, where we don't have any  
13 clarification for that. Just basically  
14 fences.

15 This ordinance does establish some  
16 visit -- vision clearances for vehicles,  
17 particularly on corner lots, where, again, we  
18 don't have that currently. It regulates the  
19 materials of fences, particularly retaining  
20 walls; alters height requirements, where the  
21 current ordinance is pretty restrictive on  
22 fence height requirements. Some of that  
23 maintains the same, and there is some of it  
24 where it makes sense to change it where it  
25 affects the height on certain corner parcels

1 and certain parcels where residents that are  
2 adjoining a non-residential type of use;  
3 again, where that would make sense.

4 Again, it talks about retaining walls.  
5 It regulates height and defines the big  
6 picture, if you will, of retaining walls.  
7 There is some mention in there for temporary  
8 fences. It puts some --

9 THE REPORTER: I'm having trouble hearing  
10 Marty.

11 MR. VAN GUNDY: Oh. How about now?

12 THE REPORTER: That's good. You just  
13 seem to be going in and out.

14 MR. VAN GUNDY: Oh, okay. Yeah, I'm  
15 looking at my monitor, and I think the  
16 microphone is being pretty sensitive.

17 I'm actually on the last bullet point  
18 here. Essentially, the proposed includes  
19 some maintenance provisions in there. So  
20 basically the fences being --

21 MR. STROIA: You are fading away again.

22 MR. VAN GUNDY: Right. Yep. So that's  
23 an overview of that. And I'm happy to answer  
24 any questions, if there are any.

25 MR. FONTE: Marty, this is Dominic Fonte.

1 Hey, so on the -- on the front, so like let's  
2 say it was 3 foot in the front of the  
3 building or the house or whatever the case  
4 may be. I think that's what the code was.  
5 But, you know, with the trash cans now being  
6 so much taller, you know, like, obviously a 3  
7 foot -- you know, like, let's say you had a  
8 little section of fence to try to hide the  
9 garbage cans. Three foot isn't high enough  
10 to cover that. So is that a problem, or is  
11 that where the flexibility is?

12 MR. VAN GUNDY: There is some flexibility  
13 there. It -- it will depend on how far off  
14 the property line it is, what parcel it is.  
15 I mean, there are, you know, a couple  
16 different ways we could go with a fence  
17 ordinance. One is, you know, you open it  
18 quite up, which we did do, or we implement  
19 criteria based on the different -- you know,  
20 trying to encapsulate as many of the criteria  
21 that we encounter throughout the community,  
22 to address that.

23 So we have -- for example, we have  
24 different types of corner lots, where one  
25 might adjoin another corner lot. The other

1 corner lot may adjoin a front yard or an  
2 interior parcel. And each of those have  
3 different needs and --

4 MR. FONTE: Right.

5 MR. VAN GUNDY: -- so we do -- in certain  
6 areas, we do increase the maximum height to 6  
7 foot, in some areas. The problem, again,  
8 that's 2 foot. So if we are up against that  
9 right-of-way and, you know, we are doing a  
10 taller fence, those are still going to be 2  
11 foot.

12 I guess what I'm saying is most of those  
13 garbage cans are set back usually, so it is  
14 plausible now to be able to get your fence up  
15 to 6 foot. The garbage can will sit more  
16 towards the back of the property.

17 MR. FONTE: Got it. Thank you.

18 MR. VAN GUNDY: You're welcome.

19 MR. CERRETA: Marty, I applaud you --  
20 this is Cerreta -- and -- and the Planning  
21 Commission for kind of moving forward on  
22 changing some of this, because there are  
23 different situations where it doesn't make  
24 any sense to what we have, and we do need to  
25 update some of this. And I think we still

1           need to further be a little bit more liberal  
2           in helping people out in different  
3           situations. Because I think it's a situation  
4           that calls for some of this. You know,  
5           sometimes there's -- just set in stone  
6           doesn't -- doesn't handle the situation  
7           sometimes.

8           So we -- I hope this opens up some areas  
9           where we can go out there and -- and, you  
10          know, give approval to folks that do need  
11          different heights and different changes. So  
12          it can -- cannot only help the aesthetics of  
13          the whole thing, but, you know, privacy is a  
14          big deal, too, for people. People who have  
15          pools. People have different things. You  
16          know, I really think we should be looking at,  
17          you know, the -- each individual case in some  
18          instances, to kind of open it up a little  
19          bit.

20                 MR. VAN GUNDY: I appreciate that. And  
21                 it was a team effort. There were many from  
22                 administration, of course, the Law Director,  
23                 and Planning Commission.

24                 MR. CERRETA: Right. I know it has been  
25                 oncoming. You've been --

1 MR. FONTE: All right.

2 MR. CERRETA: -- working on it. Daryl  
3 has been working on it. So I applaud you  
4 guys for -- for moving forward with this kind  
5 of legislation.

6 MR. REVOLDT: Marty --

7 MR. VAN GUNDY: Yes sir.

8 MR. REVOLDT: -- we'd like to -- if there  
9 are -- are there any more questions for  
10 Marty? If none, Marty -- Jeff, we'd like to  
11 set June 1st as a public hearing for this  
12 recommendation. And if -- Marty, if you  
13 would make a note and be available for that  
14 public hearing, that would be great.

15 MR. VAN GUNDY: Absolutely.

16 MR. REVOLDT: And then what I'd really  
17 like to do is that -- I'm assuming that June  
18 1st is a Council of the Whole. Ben, if you  
19 would place this item on the agenda for  
20 discussion that evening, as well.

21 MR. YOUNG: Yeah.

22 MR. PETERS: Hey, Daryl.

23 MR. REVOLDT: Yes.

24 MR. PETERS: That timetable works for me.  
25 However, I do have a question. You know, by

1 the time we get into middle June, beginning  
2 of July, we are going to have some holidays  
3 where we won't have meetings certain weeks.  
4 What are your thoughts on putting the -- an  
5 emergency clause in there to allow folks that  
6 were going to construct this summer to have  
7 that construction start in the beginning of  
8 the summer, rather than in the fall?

9 MR. REVOLDT: Jeff, I don't think we can  
10 adopt this on emergency. But we can have  
11 three Council meetings to do it.

12 MR. PETERS: Okay. All right.

13 MR. CERRETA: Good idea, though, Jeff. I  
14 do think we need to get going with this.  
15 People need to start now, not, you know, two  
16 months from now.

17 MR. YOUNG: If I may --

18 MR. REVOLDT: Yes.

19 MR. YOUNG: -- Director Fox can correct  
20 me on this -- we can have the first two  
21 readings before that June 1st date. We just  
22 cannot adopt the third and final reading  
23 unless we have had the public hearing.

24 MR. FOX: Hold on, Ben.

25 MR. CERRETA: But then it's 30 days after

1           that. That's the other -- that's where he's  
2           looking, I think.

3           MR. YOUNG: Yeah.

4           MR. PETERS: Yeah. Right.

5           MR. REVOLDT: I mean, you know, Ben --  
6           look, I know we have got two people that are  
7           looking for fence work. Generally speaking,  
8           I am very reluctant to have Council take  
9           action prior to the public hearing, but I  
10          think if -- if -- let's do this. Let's --  
11          let's schedule -- let's put this on an agenda  
12          for Monday night for a first vote. We'll do  
13          the second vote. We'll hold the public  
14          hearing, and with the proviso that if there  
15          are significant objections, then we'll go to  
16          plan B, whatever it is.

17          But to -- to everybody's point, I -- we  
18          are in the summer season. People -- I know  
19          we have got two people who need to have this  
20          issue addressed. As reluctant as I am to do  
21          it, let's do it that way.

22          MR. DEORIO: Daryl, you had mentioned  
23          that -- this is DeOrion. You had mentioned,  
24          even when it did come back to Council, that  
25          you were putting it -- you want it to go back



1 to Committee again? I don't --

2 MR. REVOLDT: Well, it's --

3 MR. DEORIO: -- think it needs to go back  
4 to Committee to go to first reading.

5 MR. REVOLDT: It can go -- it can go --  
6 it goes to the reading to -- next Monday  
7 night, first reading.

8 MR. DEORIO: Okay. But, I mean, you were  
9 talking about June 1st originally going to --

10 MR. REVOLDT: Well, I think --

11 MR. DEORIO: -- to a public --

12 MR. REVOLDT: -- you know, I guess the  
13 thing of it is, is what I would always like  
14 to -- again, I'm a bit of a purist here. I  
15 believe that we ideally -- ideally, we should  
16 hold a public hearing and then hold a  
17 Committee meeting to authorize legislation.  
18 Because something may come up, where we want  
19 to amend that legislation.

20 But in this particular instance, Patrick,  
21 I'll bow to the weight of the calendar. I'm  
22 sure the guys with the fence need employment.  
23 Given the economic climate, I'll bend over on  
24 this.

25 MR. CERRETA: Good call.

1 MR. DEORIO: Okay.

2 MR. REVOLDT: Okay. So, again,  
3 legislation Monday night, public hearing on  
4 the 1st. And then, you know, a vote soon  
5 after. We should probably have a week or  
6 something after that to do it.

7 MR. PETERS: All right. So we had some  
8 discussion there. Did we -- we had a motion  
9 and a second, correct, to do this? Did we  
10 already -- did I call the roll on that?

11 MR. REVOLDT: No. You don't -- I don't  
12 think --

13 MR. DEORIO: I thought we were calling  
14 the roll.

15 MR. PETERS: No. To set -- to set the  
16 town hall meeting.

17 MR. DEORIO: Oh, okay. My bad.

18 MR. REVOLDT: I'll make a motion that we  
19 hold a public hearing on June 1st to consider  
20 the recommendations of the Planning  
21 Commission regarding amendments to the fence  
22 legislation language.

23 MR. CERRETA: Cerreta. Second.

24 MR. PETERS: Okay. All in favor?

25 MR. FOLTZ: Aye.

1 MR. PETERS: Aye.

2 MR. CERRETA: Aye.

3 MR. REVOLDT: Aye.

4 MS. WERREN: Aye.

5 MR. FONTE: Aye.

6 MR. STROIA: Aye.

7 MR. PETERS: Opposed?

8 (No response.)

9 MR. PETERS: Okay. Motion carries. And,  
10 Daryl, anything else on that?

11 MR. REVOLDT: No. That's -- let's  
12 just -- let's just get it done.

13 MR. PETERS: Okay. All right. Very  
14 good. Well, that concludes the Committee of  
15 the Whole. So I'll entertain a motion to  
16 adjourn out of this meeting.

17 MR. FOLTZ: So moved. Foltz.

18 MR. CERRETA: Second.

19 MR. PETERS: All in favor, say "aye."

20 MR. FOLTZ: Aye.

21 MR. PETERS: Aye.

22 MR. CERRETA: Aye.

23 MR. REVOLDT: Aye.

24 MS. WERREN: Aye.

25 MR. FONTE: Aye.

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MR. STROIA: Aye.

MR. PETERS: Opposed?

(No response.)

MR. PETERS: Motion carries. We are  
adjourned out of the Committee of the Whole.

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(This proceeding concluded at 7:16 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 22nd day of April, 2020.

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

ATTEST:

-----  
Daniel Jeff Peters  
Council President

Benjamin R. Young  
Benjamin R. Young  
Council Clerk

17:22 <b>encapsulate</b> [1] - 11:20 <b>encounter</b> [1] - 11:21 <b>entertain</b> [1] - 19:15 <b>essentially</b> [1] - 10:18 <b>establish</b> [1] - 9:15 <b>evening</b> [3] - 3:1, 4:20, 14:20 <b>example</b> [1] - 11:23 <b>expect</b> [1] - 9:8 <b>expires</b> [1] - 21:18	<b>four</b> [1] - 7:14 <b>FOX</b> [1] - 15:24 <b>Fox</b> [2] - 2:9, 15:19 <b>front</b> [3] - 11:1, 11:2, 12:1	<b>I</b>	8:20, 10:10, 10:25, 12:19, 14:6, 14:10, 14:12 <b>materials</b> [1] - 9:19 <b>Matthew</b> [1] - 2:7 <b>maximum</b> [1] - 12:6 <b>Mayor</b> [1] - 2:11 <b>mean</b> [3] - 11:15, 16:5, 17:8 <b>means</b> [1] - 21:6 <b>meeting</b> [4] - 3:3, 7:19, 17:17, 19:16 <b>MEETING</b> [1] - 1:6 <b>meetings</b> [2] - 15:3, 15:11 <b>Member</b> [6] - 2:4, 2:5, 2:6, 2:7, 2:8, 3:14 <b>member</b> [6] - 3:6, 3:8, 3:10, 3:12, 3:16, 3:18 <b>members</b> [1] - 3:24 <b>mention</b> [1] - 10:7 <b>mentioned</b> [2] - 16:22, 16:23 <b>meting</b> [1] - 18:16 <b>microphone</b> [1] - 10:16 <b>middle</b> [1] - 15:1 <b>might</b> [3] - 8:14, 9:11, 11:25 <b>moment</b> [1] - 4:10 <b>Monday</b> [5] - 1:16, 7:19, 16:12, 17:6, 18:3 <b>monitor</b> [1] - 10:15 <b>months</b> [1] - 15:16 <b>most</b> [1] - 12:12 <b>motion</b> [12] - 4:20, 4:24, 5:5, 5:14, 7:9, 7:11, 18:8, 18:18, 19:9, 19:15, 20:4 <b>move</b> [1] - 7:11 <b>moved</b> [1] - 19:17 <b>moving</b> [2] - 12:21, 14:4 <b>MR</b> [147] - 3:1, 3:6, 3:7, 3:8, 3:9, 3:10, 3:11, 3:12, 3:13, 3:14, 3:16, 3:17, 3:18, 3:19, 3:20, 3:21, 4:2, 4:3, 4:4, 4:5, 4:9, 4:12, 4:13, 4:15, 4:16, 4:17, 5:1, 5:2, 5:4, 5:7, 5:8, 5:9, 5:10, 5:12, 5:14, 5:18, 5:20, 5:25, 6:1, 6:2, 6:3, 6:5, 6:6, 6:7, 6:9, 6:18, 6:19, 6:20, 6:23, 6:25, 7:1, 7:2, 7:4, 7:5, 7:7,	7:8, 7:9, 7:10, 7:11, 7:13, 7:15, 7:16, 7:17, 8:12, 8:13, 8:14, 8:16, 8:17, 8:20, 8:22, 8:23, 8:24, 10:11, 10:14, 10:21, 10:22, 10:25, 11:12, 12:4, 12:5, 12:17, 12:18, 12:19, 13:20, 13:24, 14:1, 14:2, 14:6, 14:7, 14:8, 14:15, 14:16, 14:21, 14:22, 14:23, 14:24, 15:9, 15:12, 15:13, 15:17, 15:18, 15:19, 15:24, 15:25, 16:3, 16:4, 16:5, 16:22, 17:2, 17:3, 17:5, 17:8, 17:10, 17:11, 17:12, 17:25, 18:1, 18:2, 18:7, 18:11, 18:13, 18:15, 18:17, 18:18, 18:23, 18:24, 18:25, 19:1, 19:2, 19:3, 19:5, 19:6, 19:7, 19:9, 19:11, 19:13, 19:17, 19:18, 19:19, 19:20, 19:21, 19:22, 19:23, 19:25, 20:1, 20:2, 20:4 <b>MS</b> [5] - 3:15, 5:11, 5:21, 19:4, 19:24 <b>mute</b> [1] - 4:10 <b>muted</b> [1] - 4:12
<b>F</b>	<b>G</b>	<b>J</b>	<b>N</b>	
<b>fading</b> [1] - 10:21 <b>fairly</b> [1] - 9:4 <b>fall</b> [1] - 15:8 <b>far</b> [1] - 11:13 <b>Farina</b> [1] - 2:12 <b>FARINA</b> [1] - 5:21 <b>favor</b> [3] - 5:5, 18:24, 19:19 <b>February</b> [1] - 21:18 <b>federal</b> [1] - 6:11 <b>fence</b> [9] - 7:23, 9:22, 11:8, 11:16, 12:10, 12:14, 16:7, 17:22, 18:21 <b>fences</b> [6] - 9:5, 9:8, 9:14, 9:19, 10:8, 10:20 <b>final</b> [1] - 15:22 <b>Finance</b> [1] - 2:14 <b>financially</b> [1] - 21:11 <b>firm</b> [1] - 21:13 <b>first</b> [5] - 3:22, 15:20, 16:12, 17:4, 17:7 <b>fiscal</b> [1] - 6:15 <b>flexibility</b> [2] - 11:11, 11:12 <b>floor</b> [1] - 4:16 <b>folks</b> [2] - 13:10, 15:5 <b>Foltz</b> [3] - 2:4, 3:18, 19:17 <b>FOLTZ</b> [8] - 3:19, 5:7, 5:20, 7:9, 7:11, 18:25, 19:17, 19:20 <b>Fonte</b> [4] - 2:6, 3:12, 3:24, 10:25 <b>FONTE</b> [8] - 3:13, 4:2, 10:25, 12:4, 12:17, 14:1, 19:5, 19:25 <b>foot</b> [7] - 11:2, 11:7, 11:9, 12:7, 12:8, 12:11, 12:15 <b>foregoing</b> [2] - 21:7, 21:9 <b>forward</b> [3] - 7:11, 12:21, 14:4	<b>garbage</b> [3] - 11:9, 12:13, 12:15 <b>generally</b> [1] - 16:7 <b>given</b> [3] - 17:23, 21:5, 21:7 <b>Graham</b> [1] - 2:15 <b>grant</b> [1] - 6:12 <b>grass</b> [1] - 8:9 <b>great</b> [1] - 14:14 <b>guess</b> [2] - 12:12, 17:12 <b>GUNDY</b> [11] - 8:22, 8:24, 10:11, 10:14, 10:22, 11:12, 12:5, 12:18, 13:20, 14:7, 14:15 <b>Gundy</b> [1] - 2:16 <b>guys</b> [2] - 14:4, 17:22	<b>Jeff</b> [5] - 2:2, 14:10, 15:9, 15:13, 21:25 <b>Jina</b> [1] - 2:14 <b>July</b> [1] - 15:2 <b>June</b> [7] - 8:10, 14:11, 14:17, 15:1, 15:21, 17:9, 18:19	<b>need</b> [11] - 8:2, 8:8, 8:9, 12:24, 13:1, 13:10, 15:14, 15:15, 16:19, 17:22 <b>needs</b> [4] - 6:13, 6:14, 12:3, 17:3 <b>next</b> [3] - 7:18, 7:19, 17:6 <b>night</b> [3] - 16:12, 17:7, 18:3 <b>non</b> [1] - 10:2 <b>non-residential</b> [1] - 10:2 <b>none</b> [1] - 14:10 <b>NORTH</b> [2] - 1:1, 1:5 <b>North</b> [3] - 1:13, 1:16, 3:2 <b>Notary</b> [3] - 1:15, 21:4, 21:17 <b>note</b> [1] - 14:13	
	<b>H</b>	<b>K</b>		
	<b>hall</b> [1] - 18:16 <b>hand</b> [1] - 21:14 <b>handle</b> [1] - 13:6 <b>hang</b> [1] - 7:25 <b>happy</b> [1] - 10:23 <b>hear</b> [1] - 8:22 <b>hearing</b> [12] - 8:3, 8:10, 8:19, 10:9, 14:11, 14:14, 15:23, 16:9, 16:14, 17:16, 18:3, 18:19 <b>hedges</b> [1] - 9:5 <b>height</b> [5] - 9:20, 9:22, 9:25, 10:5, 12:6 <b>heights</b> [1] - 13:11 <b>held</b> [1] - 1:12 <b>help</b> [1] - 13:12 <b>helpful</b> [1] - 8:14 <b>helping</b> [1] - 13:2 <b>hereby</b> [1] - 21:5 <b>hereunto</b> [1] - 21:14 <b>hide</b> [1] - 11:8 <b>high</b> [2] - 8:25, 11:9 <b>hold</b> [5] - 15:24, 16:13, 17:16, 18:19 <b>holidays</b> [1] - 15:2 <b>hope</b> [1] - 13:8 <b>house</b> [1] - 11:3	<b>kind</b> [3] - 12:21, 13:18, 14:4	<b>L</b>	
		<b>L</b>		
		<b>M</b>		
		<b>language</b> [1] - 18:22 <b>Large</b> [2] - 2:7, 2:8 <b>last</b> [1] - 10:17 <b>Law</b> [2] - 2:9, 13:22 <b>legislation</b> [8] - 4:19, 6:14, 7:14, 14:5, 17:17, 17:19, 18:3, 18:22 <b>level</b> [1] - 8:25 <b>liberal</b> [1] - 13:1 <b>line</b> [1] - 11:14 <b>look</b> [1] - 16:6 <b>looking</b> [4] - 10:15, 13:16, 16:2, 16:7		
		<b>M</b>		
		<b>maintains</b> [1] - 9:23 <b>maintenance</b> [1] - 10:19 <b>Mark</b> [2] - 2:8, 6:4 <b>Martin</b> [2] - 2:16, 8:15 <b>Marty</b> [11] - 7:25, 8:8,		

<p style="text-align: center;"><b>O</b></p> <p><b>objections</b> [1] - 16:15  <b>obviously</b> [1] - 11:6  <b>OF</b> [4] - 1:1, 1:5, 1:7, 21:2  <b>office</b> [1] - 21:15  <b>Officer</b> [1] - 2:16  <b>OHIO</b> [2] - 1:1, 21:2  <b>Ohio</b> [4] - 1:15, 1:16, 21:5, 21:15  <b>oncoming</b> [1] - 13:25  <b>one</b> [2] - 11:17, 11:24  <b>open</b> [2] - 11:17, 13:18  <b>opens</b> [1] - 13:8  <b>opportunity</b> [1] - 8:5  <b>opposed</b> [3] - 5:12, 19:7, 20:2  <b>ordinance</b> [5] - 9:2, 9:6, 9:15, 9:21, 11:17  <b>originally</b> [1] - 17:9  <b>otherwise</b> [1] - 21:11  <b>overview</b> [1] - 10:23</p>	<p>18:24, 19:1, 19:7, 19:9, 19:13, 19:19, 19:21, 20:2, 20:4  <b>picture</b> [1] - 10:6  <b>place</b> [3] - 7:18, 14:19, 21:9  <b>plan</b> [1] - 16:16  <b>Planning</b> [6] - 7:21, 7:22, 8:7, 12:20, 13:23, 18:20  <b>plausible</b> [1] - 12:14  <b>point</b> [3] - 4:23, 10:17, 16:17  <b>points</b> [1] - 8:18  <b>pools</b> [1] - 13:15  <b>Premier</b> [1] - 1:24  <b>prepared</b> [1] - 21:6  <b>present</b> [1] - 3:20  <b>President</b> [6] - 2:2, 2:3, 4:5, 4:6, 4:17, 21:25  <b>pretty</b> [3] - 9:2, 9:21, 10:16  <b>previous</b> [1] - 7:2  <b>privacy</b> [1] - 13:13  <b>problem</b> [2] - 11:10, 12:7  <b>proceeding</b> [3] - 4:22, 20:7, 21:8  <b>PROCEEDINGS</b> [1] - 1:7  <b>Proceedings</b> [1] - 1:12  <b>produced</b> [1] - 21:6  <b>Professional</b> [2] - 1:14, 21:4  <b>program</b> [1] - 6:12  <b>property</b> [2] - 11:14, 12:16  <b>proposed</b> [2] - 9:6, 10:18  <b>provides</b> [1] - 9:6  <b>provisions</b> [1] - 10:19  <b>proviso</b> [1] - 16:14  <b>Public</b> [3] - 1:15, 21:4, 21:17  <b>public</b> [13] - 8:3, 8:10, 8:18, 8:19, 14:11, 14:14, 15:23, 16:9, 16:13, 17:11, 17:16, 18:3, 18:19  <b>purist</b> [1] - 17:14  <b>put</b> [2] - 4:10, 16:11  <b>puts</b> [1] - 10:8  <b>putting</b> [2] - 15:4, 16:25</p>	<p><b>questions</b> [2] - 10:24, 14:9  <b>quite</b> [1] - 11:18</p> <p style="text-align: center;"><b>R</b></p> <p><b>rather</b> [1] - 15:8  <b>RE</b> [1] - 1:4  <b>reading</b> [4] - 15:22, 17:4, 17:6, 17:7  <b>readings</b> [1] - 15:21  <b>ready</b> [1] - 6:6  <b>really</b> [2] - 13:16, 14:16  <b>rec</b> [1] - 7:20  <b>recollection</b> [1] - 7:1  <b>recommendation</b> [3] - 7:22, 8:7, 14:12  <b>recommendations</b> [3] - 7:24, 8:3, 18:20  <b>reduced</b> [1] - 21:6  <b>regarding</b> [1] - 18:21  <b>Registered</b> [2] - 1:14, 21:4  <b>regular</b> [1] - 7:19  <b>regulates</b> [2] - 9:18, 10:5  <b>regulations</b> [2] - 7:24, 9:7  <b>reject</b> [1] - 8:5  <b>relative</b> [1] - 21:10  <b>reluctant</b> [2] - 16:8, 16:20  <b>renew</b> [1] - 6:10  <b>Reporter</b> [2] - 1:14, 21:4  <b>REPORTER</b> [6] - 5:17, 5:23, 6:4, 6:8, 10:9, 10:12  <b>Reporting</b> [1] - 1:24  <b>reporting</b> [1] - 21:13  <b>request</b> [1] - 6:9  <b>required</b> [1] - 9:12  <b>requirements</b> [3] - 9:10, 9:20, 9:22  <b>residential</b> [1] - 10:2  <b>residents</b> [1] - 10:1  <b>response</b> [3] - 5:13, 19:8, 20:3  <b>restrictive</b> [1] - 9:21  <b>retaining</b> [3] - 9:19, 10:4, 10:6  <b>REVOLDT</b> [38] - 3:11, 4:5, 4:15, 4:17, 5:2, 5:9, 5:18, 6:6, 6:9, 6:19, 6:23, 7:1, 7:4, 7:7, 7:10, 7:13, 7:17, 8:13, 8:16, 8:20, 8:23, 14:6, 14:8, 14:16, 14:23, 15:9,</p>	<p>15:18, 16:5, 17:2, 17:5, 17:10, 17:12, 18:2, 18:11, 18:18, 19:3, 19:11, 19:23  <b>Revoldt</b> [3] - 2:3, 3:10, 4:14  <b>right-of-way</b> [1] - 12:9  <b>Robert</b> [1] - 2:15  <b>Roberts</b> [3] - 1:14, 21:4, 21:17  <b>roll</b> [3] - 3:5, 18:10, 18:14  <b>Rule</b> [1] - 21:13</p>	<p><b>still</b> [4] - 4:1, 4:21, 12:10, 12:25  <b>stone</b> [1] - 13:5  <b>Stroia</b> [4] - 2:7, 3:6, 3:25, 5:22  <b>STROIA</b> [7] - 3:7, 4:3, 6:1, 6:3, 10:21, 19:6, 20:1  <b>summer</b> [3] - 15:6, 15:8, 16:18</p>
<p style="text-align: center;"><b>P</b></p> <p><b>p.m</b> [3] - 1:17, 3:4, 20:7  <b>packets</b> [1] - 4:18  <b>paragraph</b> [1] - 9:3  <b>parcel</b> [2] - 11:14, 12:2  <b>parcels</b> [2] - 9:25, 10:1  <b>participate</b> [1] - 6:11  <b>participation</b> [1] - 6:15  <b>particular</b> [1] - 17:20  <b>particularly</b> [4] - 6:16, 9:9, 9:17, 9:19  <b>party</b> [1] - 21:11  <b>past</b> [2] - 6:13, 6:24  <b>Patrick</b> [2] - 2:10, 17:20  <b>PE</b> [1] - 2:15  <b>people</b> [8] - 13:2, 13:14, 13:15, 15:15, 16:6, 16:18, 16:19  <b>permit</b> [2] - 9:10, 9:11  <b>Peters</b> [3] - 2:2, 3:16, 21:25  <b>PETERS</b> [32] - 3:1, 3:17, 3:21, 4:4, 4:9, 4:13, 4:16, 5:4, 5:8, 5:12, 5:14, 6:7, 6:18, 6:20, 6:25, 7:8, 7:16, 14:22, 14:24, 15:12, 16:4, 18:7, 18:15,</p>	<p style="text-align: center;"><b>Q</b></p> <p><b>qualified</b> [1] - 21:5</p>		<p style="text-align: center;"><b>S</b></p> <p><b>schedule</b> [1] - 16:11  <b>screen</b> [1] - 8:25  <b>seal</b> [1] - 21:15  <b>season</b> [1] - 16:18  <b>second</b> [10] - 4:20, 5:1, 5:3, 5:5, 5:20, 8:1, 16:13, 18:9, 18:23, 19:18  <b>seconded</b> [3] - 5:17, 5:25, 6:2  <b>section</b> [1] - 11:8  <b>see</b> [3] - 8:24, 9:8, 9:9  <b>seeing</b> [1] - 9:1  <b>seem</b> [1] - 10:13  <b>sense</b> [3] - 9:24, 10:3, 12:24  <b>sensitive</b> [1] - 10:16  <b>set</b> [8] - 8:2, 8:10, 12:13, 13:5, 14:11, 18:15, 21:14  <b>Seven</b> [1] - 3:20  <b>Shannon</b> [4] - 1:14, 5:21, 21:4, 21:17  <b>significant</b> [1] - 16:15  <b>single</b> [1] - 9:3  <b>sit</b> [1] - 12:15  <b>situation</b> [3] - 9:4, 13:3, 13:6  <b>situations</b> [2] - 12:23, 13:3  <b>sometimes</b> [2] - 13:5, 13:7  <b>soon</b> [1] - 18:4  <b>speaking</b> [1] - 16:7  <b>specified</b> [1] - 21:9  <b>STARK</b> [1] - 21:3  <b>Stark</b> [1] - 6:10  <b>start</b> [2] - 15:7, 15:15  <b>starting</b> [1] - 9:9  <b>State</b> [2] - 1:15, 21:4  <b>STATE</b> [1] - 21:2  <b>Stenotype</b> [1] - 21:6  <b>Stephan</b> [1] - 2:11  <b>Stephanie</b> [1] - 2:5</p>	<p style="text-align: center;"><b>T</b></p> <p><b>table</b> [2] - 4:20, 4:24  <b>tabled</b> [1] - 5:2  <b>talks</b> [1] - 10:4  <b>taller</b> [2] - 11:6, 12:10  <b>team</b> [1] - 13:21  <b>Teleconference</b> [1] - 1:16  <b>teleconference</b> [1] - 3:4  <b>temporary</b> [1] - 10:7  <b>testimony</b> [2] - 21:5, 21:7  <b>THE</b> [7] - 1:5, 5:17, 5:23, 6:4, 6:8, 10:9, 10:12  <b>third</b> [1] - 15:22  <b>thoughts</b> [1] - 15:4  <b>three</b> [5] - 6:21, 6:24, 7:6, 11:9, 15:11  <b>three-year</b> [3] - 6:21, 6:24, 7:6  <b>throughout</b> [1] - 11:21  <b>timetable</b> [1] - 14:24  <b>Timothy</b> [1] - 2:9  <b>tonight</b> [1] - 8:9  <b>towards</b> [1] - 12:16  <b>town</b> [1] - 18:16  <b>TRANSCRIPT</b> [1] - 1:7  <b>Transcript</b> [1] - 1:12  <b>Transcription</b> [1] - 21:6  <b>transcription</b> [1] - 21:7  <b>trash</b> [1] - 11:5  <b>trouble</b> [1] - 10:9  <b>true</b> [1] - 21:7  <b>try</b> [1] - 11:8  <b>trying</b> [1] - 11:20  <b>two</b> [5] - 7:3, 15:15, 15:20, 16:6, 16:19  <b>two-year</b> [1] - 7:3  <b>type</b> [1] - 10:2  <b>types</b> [1] - 11:24</p>
				<p style="text-align: center;"><b>U</b></p> <p><b>under</b> [2] - 3:24, 21:13</p>

<p><b>undersigned</b> [1] - 1:13  <b>unless</b> [1] - 15:23  <b>up</b> [7] - 3:22, 11:18, 12:8, 12:14, 13:8, 13:18, 17:18  <b>update</b> [1] - 12:25</p>	<p><b>year</b> [5] - 6:21, 6:24, 7:3, 7:5, 7:6  <b>years</b> [2] - 6:13, 6:15  <b>Young</b> [2] - 2:17, 21:25  <b>YOUNG</b> [15] - 3:6, 3:8, 3:10, 3:12, 3:14, 3:16, 3:18, 3:20, 4:12, 7:2, 7:5, 14:21, 15:17, 15:19, 16:3</p>
<b>V</b>	
<p><b>vague</b> [1] - 9:2  <b>VAN</b> [11] - 8:22, 8:24, 10:11, 10:14, 10:22, 11:12, 12:5, 12:18, 13:20, 14:7, 14:15  <b>Van</b> [1] - 2:16  <b>vehicles</b> [1] - 9:16  <b>via</b> [2] - 1:15, 3:4  <b>Vice</b> [1] - 2:3  <b>Vice-President</b> [1] - 2:3  <b>VIRTUAL</b> [1] - 1:5  <b>virtually</b> [1] - 1:12  <b>vision</b> [1] - 9:16  <b>visit</b> [1] - 9:16  <b>vote</b> [3] - 16:12, 16:13, 18:4  <b>votes</b> [1] - 7:14</p>	
<b>W</b>	
<p><b>walls</b> [4] - 9:4, 9:20, 10:4, 10:6  <b>Ward</b> [3] - 2:4, 2:5, 2:6  <b>ways</b> [1] - 11:16  <b>week</b> [1] - 18:5  <b>weeks</b> [1] - 15:3  <b>weight</b> [1] - 17:21  <b>welcome</b> [3] - 3:2, 6:5, 12:18  <b>Werren</b> [2] - 2:5, 3:14  <b>WERREN</b> [4] - 3:15, 5:11, 19:4, 19:24  <b>WHEREOF</b> [1] - 21:14  <b>WHOLE</b> [1] - 1:5  <b>Whole</b> [3] - 3:3, 19:15, 20:5  <b>whole</b> [2] - 13:13, 14:18  <b>Wilder</b> [1] - 2:11  <b>wish</b> [1] - 3:25  <b>WITNESS</b> [1] - 21:14  <b>works</b> [1] - 14:24  <b>www.</b>  <b>premierreporters.com</b> [1] - 1:25</p>	
<b>Y</b>	
<p><b>yard</b> [1] - 12:1</p>	