

NORTH CANTON PLANNING COMMISSION

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IN RE:)
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 PLANNING COMMISSION)
 PUBLIC HEARING)
) **TRANSCRIPT OF PROCEEDINGS**
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Transcript of Proceedings 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 offices of
North Canton City Hall, 145 North Main Street, North
Canton, Ohio, on Wednesday, the 11th day of July,
2018, at 7:00 p.m.

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APPEARANCES:

- Thomas Serra, Chairman
- Eric Dalpiaz
- Jamie McCleaster
- Timothy Fox, Director of Law
- Patrick DeOrion, Director of Administration
- John Stigalt, Chief Building Officer
- Angela Krendick

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1 MR. SERRA: All right. We'll call this
2 meeting to order. Roll call, please.

3 MS. KRENDICK: Gentlemen, we are on the
4 record.

5 Mr. McCleaster.

6 MR. MCCLEASTER: Here.

7 MS. KRENDICK: Mr. Serra.

8 MR. SERRA: Present.

9 MS. KRENDICK: And Mr. Dalpiaz.

10 MR. DALPIAZ: Present.

11 MR. SERRA: Okay. So three out of the
12 five Planning Commission members are present.
13 So we will start the -- start the meeting.
14 The meeting is July 11th, 2018. I guess the
15 two items we have on -- oh, wait a minute.
16 We have got to approve the minutes. So we'll
17 start with that.

18 So the meeting minutes of March 7th,
19 2018, do I hear a motion to approve those
20 minutes?

21 MR. MCCLEASTER: So moved.

22 MR. SERRA: Second?

23 MR. DALPIAZ: I'll second.

24 MR. SERRA: Roll call.

25 MS. KRENDICK: Mr. McCleaster.

1 MR. MCCLEASTER: Yes.

2 MS. KRENDICK: Mr. Dalpiaz.

3 MR. DALPIAZ: Yes.

4 MS. KRENDICK: And Mr. Serra.

5 MR. SERRA: Yes.

6 So the other set of minutes -- meeting
7 minutes for the Planning Commission was May
8 30th, 2018. Do I hear a motion to accept
9 those minutes?

10 MR. MCCLEASTER: So moved.

11 MR. SERRA: Second?

12 MR. DALPIAZ: Second.

13 MR. SERRA: Roll call.

14 MS. KRENDICK: Mr. Dalpiaz.

15 MR. DALPIAZ: Yes.

16 MS. KRENDICK: Mr. McCleaster.

17 MR. MCCLEASTER: Yes.

18 MS. KRENDICK: And Mr. Serra.

19 MR. SERRA: Yes.

20 Okay. Now that's out of it -- out of the
21 way. We have got two items to look at for a
22 public hearing. And it's being passed on to
23 us by City Council, I believe, on both --
24 both items, or is it just really the one?

25 MR. STIGALT: Just the one.

1 MR. DEORIO: Just the signs.

2 MR. SERRA: Just the one, which would be
3 the signs.

4 Okay. So we'll go ahead and first start
5 to discuss the parking design standards.
6 It's the ordinance -- Planning Commission
7 ordinance 1153.11.

8 John, can you bring us up-to-date, what
9 we are looking at on these changes?

10 MR. STIGALT: Yes. Thank you,
11 Mr. Chairman. The standards that we have
12 listed in the Exhibit A on page 165 of our
13 ordinance, which is Figure 1153.11, shows
14 dimensions that are on the inside of the
15 lines, which represent the striping to
16 outline the parking stall.

17 But in reality, the standard engineering
18 practices, paving companies, striping
19 companies, they use a center line
20 dimensioning, which they typically use a
21 4-inch wide stripe. So it would be from
22 center line of the striping to center line,
23 of 10 feet.

24 If we use that in our standards, it would
25 be 10'4". But that would throw everything

1 off. It wouldn't come out to something
2 equal.

3 And, again, the -- every parking place
4 that I went through the City, and a few
5 others, they -- they keep that standard. And
6 it throws everything off. And then if I have
7 to follow this, it creates a mess for the new
8 plazas that we are having re-striped and the
9 new companies that have moved in, especially
10 Goodwill and Starbucks. It wouldn't work out
11 for them.

12 So what I'm requesting is that we adopt
13 the standards that the site engineers, paving
14 companies, striping companies use as a 10
15 foot on center to whichever width of the line
16 that they use. But, again, their standards
17 are 4 inches. And it also is found in ODOT's
18 standards, as well, center line approach of
19 dimensioning.

20 So that's what I'm requesting, that this
21 be forwarded, so that Council can make the
22 amendments and we can change the drawings to
23 reflect that to have a -- make my enforcement
24 easier. We would be on same page as all
25 the -- all the other companies that come in

1 and lay out the site plans for any new
2 businesses. That's pretty much what I'm
3 requesting to have the Board review.

4 MR. SERRA: So, John, if I look at -- if
5 I look at our planning and zoning code that
6 we are currently operating under with
7 1153.11, and I look at the handout that is in
8 front of us, it's the same, correct? There
9 is no language change?

10 MR. STIGALT: No, it's not language.
11 It's interpretation. Because what the
12 written word says is the parking spaces shall
13 be -- stalls will be 10 foot by 20. However,
14 the pictures show that 10 foot is measured on
15 the inside.

16 But designers, paving companies, and
17 striping companies do not use the inside
18 measurements of the lines. They use the
19 center lines of the lines that they stripe
20 with. So --

21 MR. SERRA: So --

22 MR. STIGALT: -- we are just asking you
23 to clarify that 10 foot is a center line,
24 rather than an inside dimension, as the
25 illustration, Figure 1153.11, shows. It

1 shows them on the inside, rather than a
2 center line.

3 MR. FOX: So you want it to be what we
4 have here as the -- as Exhibit B?

5 MR. STIGALT: Yes. Center line.

6 MR. FOX: That's what you are looking
7 as --

8 MR. STIGALT: Yeah, that's what I drew up
9 to be a center line type of measurements.

10 MR. DALPIAZ: But it would be 10 feet to
11 the center?

12 MR. STIGALT: Well, the 10 -- the inside
13 of the line is usually 4 inches. It would be
14 10 foot -- excuse me, 9 foot, 8 inches, the
15 inside of the lines. Because you are
16 adding -- you know, you are going from the --
17 adding 2 inches --

18 MR. DALPIAZ: Right.

19 MR. STIGALT: -- on each side to give you
20 your 10 foot.

21 MR. DALPIAZ: So where the -- so the
22 schedule saying, with the space, 10 feet,
23 those would all stay the same. It's just --

24 MR. STIGALT: It's the illustration --

25 MR. DALPIAZ: -- the illustration --

1 MR. STIGALT: -- will show that it's --

2 MR. DALPIAZ: Right.

3 MR. STIGALT: -- measured at the center
4 line, rather than --

5 MR. DALPIAZ: Right. Right.

6 MR. STIGALT: -- than the interior.

7 MR. DALPIAZ: So we aren't actually
8 enlarging the space. I'm just trying to
9 clarify.

10 MR. STIGALT: Yeah. No.

11 MR. DALPIAZ: Right? So it's just 10
12 foot center, 20 foot long, and that's center
13 line and end line.

14 MR. STIGALT: Just a clarification, how
15 to measure --

16 MR. DALPIAZ: It's just merely a drawing
17 that shows that better.

18 MR. SERRA: I -- I wasn't looking at
19 this -- this one. I was only looking at the
20 actual Chapter 1153. So what you are wanting
21 to do is have us make a recommendation to put
22 in Exhibit B?

23 MR. STIGALT: Correct. So that everyone
24 knows to measure -- that that's the
25 measurement, and we are all on the same page.

1 And I'll -- it should eliminate problems for
2 myself in the field, and my inspectors. And
3 when we are, you know, doing the site plan
4 reviews and finals on their site plans that,
5 you know, that confusion is gone.

6 MR. FOX: I think what happens, through
7 no fault of the applicant -- for example,
8 Starbucks, they initially come in, and it's 9
9 by 18. They are with us, and we point out
10 our standard is -- is 10 by 20. They agree
11 to that, and we move some parking spots.

12 They then have their contractor for
13 striping. They say we need 10 by 20. They
14 simply come out, not perhaps contacting John
15 for, well, we are going to measure these.
16 They just follow industry standard, do their
17 10 by 20. John comes out and measures, and
18 wait a minute here, it's a little different
19 than -- and they have already been striped.

20 And so I think by standardizing ours, by
21 not changing our rules, but just how we make
22 a measurement, will kind of prevent the
23 predicament that John has. One of the
24 individuals that would go and sign off on the
25 permit for the striping, he comes out and

1 says they are not correct. And he then can't
2 sign off on that permit, honestly saying,
3 from the way we measure, we are a little off.

4 So by putting this illustration in here,
5 as -- as you said, we are not changing our
6 requirements. We are just making it clear
7 how we are going to measure and match the
8 industry standard.

9 MR. MCCLEASTER: So what we -- what we
10 are voting on is to include Exhibit -- or the
11 changing of Exhibit A? Or are we just simply
12 voting on Exhibit B? Or all of this will be
13 changed? What is -- is that --

14 MR. STIGALT: Well, I would like to have
15 each of these illustrations redrawn to show
16 that whichever -- whether you're at parallel,
17 with 45, 60, or 90, you are using a center
18 line measurement for the width.

19 The lengths aren't the problem, because
20 that's pretty standard. And they have --
21 they have that down real pat. It's -- it's
22 the width of the measurement, is -- the
23 problem is, as Mr. Fox pointed out.

24 MR. MCCLEASTER: Yeah, it definitely
25 seems like it needs addressed. Do we need to

1 put in some sort of verbiage, even though it
2 is industry standard, that says it is
3 measured center line to center line, or do we
4 think that they all know that anyway, and all
5 we need -- all we are worried about is this
6 illustration?

7 MR. STIGALT: I think that's pretty
8 common that that's accepted throughout. And
9 with the drawings showing that, that just
10 confirms, whether the verbiage, pictorially,
11 though, it's the same. And I think that's
12 just -- it will be accomplished by just
13 putting it in this form, a picture form, than
14 having to really write it out.

15 MR. MCCLEASTER: Okay.

16 MR. STIGALT: And, again, everyone --
17 everyone follows that standard, and the --
18 like, the last two projects we have had, and
19 the re-striping at Acme, they have all
20 followed that. So I think that's pretty --

21 MR. MCCLEASTER: Okay.

22 MR. STIGALT: -- com -- accepted
23 practices.

24 MR. SERRA: As a builder, I know space is
25 critical. So I know we have some designers

1 here. I mean, is this typical?

2 MR. DALPIAZ: Typically, if it says 10
3 feet or 9 feet, or whatever the dimension is,
4 it goes center to center. And then the
5 space -- yeah, if it's 10 feet, and you have
6 a 4-inch stripe, you are left with, you know,
7 9'8".

8 MR. STIGALT: Yeah.

9 MR. DALPIAZ: But that's -- that's
10 just -- like John says, that's just the
11 standard. I mean, everyone knows center to
12 center. Because especially if we -- you
13 know, someone is laying it out as a designer,
14 they are going to use -- whatever number is
15 listed in the table, then they are just going
16 to multiply it out. Right? Especially if
17 you have any, you know --

18 MR. FOX: It's like 2-by-4s.

19 MR. DALPIAZ: Yeah, exactly.

20 MR. FOX: You measure; they are not
21 2-by-4.

22 MR. DALPIAZ: They are not 2-by-4s,
23 right. But --

24 MR. FOX: You pull one down --

25 MR. DALPIAZ: But the standard --

1 MR. FOX: -- sew one together, yeah.

2 MR. DALPIAZ: The standard and accepted
3 practice is it's center to center, whatever
4 that dimension is in the -- you know, in the
5 schedule or however they define it.

6 So, I mean, to me, I wouldn't think we'd
7 want 10'4". I understand that that makes it,
8 technically, smaller, inside stripes. But I
9 have never seen it oversized to account that
10 that's inside 10 feet.

11 MR. SERRA: Right.

12 MR. DALPIAZ: I have only ever seen it
13 center to center, no matter what width the
14 stripe is.

15 MR. DEORIO: Yes.

16 MR. DALPIAZ: Because sometimes -- you
17 know, it seems like now, people are going
18 with 4-inch stripes, but people do 3-inch
19 stripes or people do 2-inch stripes. It
20 depends on the company, who's painting it.

21 So to put the stripe width in there and
22 try to account for whatever standard is the
23 new standard, that might be a little
24 difficult. So I think you would be --
25 Exhibit B, but it would just say 10 feet, but

1 define that that is the center line.

2 MR. SERRA: John, what do you think? I
3 mean --

4 MR. STIGALT: Yeah, I agree. It's just
5 the pictures show --

6 MR. DALPIAZ: The picture --

7 MR. STIGALT: -- the inside --

8 MR. DALPIAZ: Yeah, which is --

9 THE REPORTER: One at a time.

10 MR. DALPIAZ: Yeah, the picture -- the
11 current picture kind of shows it inside. So
12 John has to make a determination, is it
13 inside or is it center. And the designer
14 might say, well, that looks like it's center,
15 so I'm going to make them 10'4".

16 MR. SERRA: But Exhibit B is showing
17 center to center, 10'4".

18 MR. DALPIAZ: Right.

19 MR. SERRA: And I'm hearing you saying
20 that it should be 10 foot.

21 MR. DALPIAZ: Yes.

22 MR. STIGALT: We can make that -- we can
23 correct that, the 10 foot.

24 MR. SERRA: And that's typical for what I
25 have seen, too.

1 MR. STIGALT: Yeah.

2 MR. DALPIAZ: Yeah, exactly. That is
3 typical industry standard, yep. Because it
4 used to be --

5 MR. SERRA: That's a great idea.

6 MR. DALPIAZ: Yeah.

7 MR. SERRA: I mean, it needs to be
8 clarified.

9 MR. DALPIAZ: Yeah, definitely. It used
10 to be, I mean, 2-inch stripe is just what
11 everybody did. Now it seems like they have
12 gone -- seems like they have gone wider.

13 MR. SERRA: So, John, as your
14 recommendation to us, I mean, are you okay if
15 it's 10'0" center to center?

16 MR. STIGALT: Yes. Yeah, 10 foot center
17 to center is perfect.

18 MR. SERRA: Okay. Any more discussion
19 on -- on this ordinance, the parking design
20 standard?

21 MR. DALPIAZ: No.

22 MR. SERRA: Do I open this to the public
23 or --

24 MR. FOX: Sure. If anyone --

25 MR. SERRA: Does anyone in the audience

1 have anything to say?

2 (No response.)

3 MR. SERRA: Okay. So do I hear a motion
4 to make this recommendation approval to the
5 City Council?

6 MR. DALPIAZ: I'll make a motion to
7 approve this -- motion to move this to City
8 Council for approval.

9 MR. SERRA: Second?

10 MR. MCCLEASTER: I'll second it.

11 MR. SERRA: Okay. Vote.

12 MS. KRENDICK: Mr. Serra.

13 MR. SERRA: Yes.

14 MS. KRENDICK: Mr. Dalpiaz.

15 MR. DALPIAZ: Yes.

16 MS. KRENDICK: Mr. McCleaster.

17 MR. MCCLEASTER: Yes.

18 MR. SERRA: All right. Thanks, John, for
19 helping us on this. It does --

20 MR. STIGALT: Thank you, too.

21 MR. SERRA: -- does need clarified.

22 Okay. So the next item on the agenda is
23 to review the amendment to the zoning
24 ordinance 1151.04. There is a correction.
25 It was 8. It's 1151.04. And it's pertaining

1 to the signs. So can we have an explanation?

2 MR. DEORIO: Yes. If I may,
3 Mr. Chairman, what I would like to do is give
4 you the overview of what -- the two broad
5 areas of change, and then I can go through
6 this section by section to show you where the
7 change is, so that you understand exactly
8 what we are talking about.

9 The first broad area is that as we have
10 been handling requests from organizations for
11 putting up new signs, what we came to learn
12 is that there was a distinction made between
13 business -- businesses and institutions as it
14 related to what is permissible for a sign.

15 And from an institutional standpoint, the
16 sign language is -- has been historically
17 extremely restrictive and really represented
18 perhaps a time, when it was written, that --
19 you know, as an example, a religious
20 institution 50 years ago, 60 -- 40 years ago,
21 you know, offered Sunday services. But as
22 time has progressed, religious institutions,
23 as an example, have become more active in
24 their communities with various types of
25 functions, events, and outreach programs.

1 And those things didn't happen to the extent
2 then as they are today. Our sign language
3 hasn't kept up with that.

4 So, for instance, a church, as an
5 example, is limited to just basically the
6 sign that says ABC Church. But if that
7 church had an outreach program that was
8 bringing people to their location for, you
9 know -- you know, some after-school care or
10 if it was for a community treatment program
11 they were sponsoring, they couldn't put a
12 sign in the parking lot that said, community
13 treatment meeting is going to be here in this
14 building. And then they couldn't put a sign
15 on their building that says, when you come in
16 the building, go down the stairs to room 202,
17 because that's where the community treatment
18 program is going to be sponsored.

19 So -- whereas if you were a business, you
20 could do all that. You have all those
21 privileges. So what we are just trying to do
22 is equalize the business and the
23 institutional class, because, in reality,
24 they operate pretty much the same today.

25 The second broad area of change is a

1 result actually of -- of my attending one of
2 your -- a ZBA meeting, when Arby's was here
3 asking for a variance on their sign. And
4 what had become clear was that the option
5 before them was either comply or die. There
6 is no middle ground. And if the choice is
7 that, they choose, well, we are not going to
8 do anything. We are going to, in essence,
9 die. We'll leave the sign the way it is.

10 And what we end up with is, when you
11 visit communities that don't have that kind
12 of provision, those communities have the
13 newest, nicest looking signs. And we are
14 stuck with stuff that might be 30, 40 years
15 old, that won't get maintained. Because the
16 way our sign code interprets things, that --
17 it could be as simple as, you know, doing
18 some modified repairs that consider it as,
19 oh, you can't do that, because you have to
20 conform now, because you are making these
21 repairs to a sign.

22 So in going through all that, it appeared
23 to me that there might be a way to strike an
24 incentivized compromise to get more
25 compliance. And having run that through the

1 City Council, they were in agreement, and I
2 referred it to here.

3 And what is that? If we find that a sign
4 is out of compliance by area or by height,
5 that we set a benchmark that would say, in
6 the -- in the language, if you can get 30
7 percent more in compliance by height, that's
8 a direction that we would like -- we can
9 approve and have you go.

10 So maybe your sign is 25 feet tall, and
11 we only allow 15. Well, I'm not going to
12 make that change. I'm going to leave it 25.
13 But it's a crappy sign; I want to make it
14 look nicer. Okay. What's the 30 percent
15 differential between 25 and 15? It's 10
16 feet. If you can get 3 feet closer, we are
17 okay with that. We'll let that modification
18 go through; you can do that.

19 The cycle repeats. Years later, they
20 need to make another modification to it.
21 Again, the same thing, drive it closer,
22 another 30 percent, until we get there.

23 The same with area. And area is pretty
24 much the major component here. It's not so
25 much height as it is area. And, you know,

1 we -- we require, you know, about --
2 depending on the circumstances, roughly, you
3 can say, rule of thumb, 40 square feet of
4 signage. And if they are already beyond
5 that -- like, some of the conversation
6 pre-meeting was areas that came into North
7 Canton that were in Plain Township, that had
8 existing signs that were -- didn't meet our
9 code, they were more or less grandfathered in
10 until the time came to replace it.

11 But to go from how far out of compliance
12 they are, because of the zoning in townships
13 was, you know, a free-for-all, to get to
14 where we are, the change is so drastic, that
15 they just choose not to make the change. So
16 what we would like to do is institute, you
17 know, some type of incentive, that if you can
18 meet these percentages -- and those were ones
19 that were bandied about as -- you know,
20 seemed to be not inconsequential, but
21 meaningful to get you into compliance.

22 So those are the two broad areas. And
23 what I'd like to do is go section by section
24 and point out where we are making changes to
25 the language, so that we can -- can see. So

1 if we start with Chapter 1151, "Signs," where
2 it just lists out the various subsections, in
3 1151.06 -- if you just start on your first
4 page, at the top -- I mean, the cover page,
5 subsections of the cover page. We are adding
6 a word. It says "Bonus sign area for
7 business" and we are adding, slash,
8 "institution." And then the rest is
9 "identification signs attached to buildings."
10 So this is the first area we are actually --
11 the word "institution" needs to be in the
12 description of this subsection of this
13 chapter.

14 MR. SERRA: So what we are looking at is
15 what we have today?

16 MR. DEORIO: Correct. Because in your --

17 MR. SERRA: If I look at my book, it's
18 the same?

19 MR. DEORIO: That's correct.

20 MR. SERRA: So you are telling us what --
21 the changes you are recommending?

22 MR. DEORIO: Yes.

23 MR. SERRA: Okay.

24 MR. DEORIO: So if you want to write some
25 of that on there, that would be great. But

1 1151.06, in that chapter title heading, we
2 are adding the word, slash, "institution"
3 after the word "business." So this is our
4 first qualifier -- qualifying language to
5 make businesses and institutions the same.

6 So then your first section, which is
7 1151.01 "Purposes," if we go down to
8 paragraph I, it should start, "Provide for
9 businesses," and we are going to add the
10 words "and institutions." And the rest of
11 the language remains the same. So provide
12 the businesses and institutions with
13 equitable sign standards, based on the values
14 of fair competition and aesthetic standards
15 acceptable to the community.

16 The next section that we would go to is
17 1151.02, "Classification of signs." And as
18 we go to that chapter, you have two
19 subsections, A and B. And we are going to go
20 to B. B is called "Function." And if we go
21 to paragraph 3 in that section, it says,
22 "Identification sign." So I'll give you a
23 chance to get to that spot. This would be
24 1151.02, paragraph B, subsection 3,
25 "Identification sign."

1 And then you'll see there that there are
2 three subsections to that, A, B, and C. And
3 we are going to focus on B. And the language
4 that we are going to add to B is at the end
5 of the sentence. So it would read, existing,
6 as follows: Institution identification sign;
7 a sign displaying the name and/or
8 organization occupying the premises of a
9 public or quasi-public use, such as, but not
10 limited to, churches and other places of
11 worship, hospitals, surgery centers, public
12 or semi-public recreational facilities,
13 schools.

14 New language now. I'll read it and
15 repeat it. And/or a sign intended to
16 announce, or promote the use, activity,
17 service or business on the premises by any
18 institutional establishment. So I'll slow
19 that down. And/or a sign intended to
20 announce or promote the use, activity,
21 service, or business on the premises by any
22 institutional establishment.

23 This gets to that part that I spoke about
24 of an organization that is saying we are
25 having a community treatment meeting, and

1 it's in this room. They are not able to
2 promote that use by putting a sign on their
3 property, if they are institutional class.
4 That's a change to that section. And that is
5 all the change to 1151.02.

6 If we move to 1151.03 "Computations," we
7 are going to go to section A, paragraph 4.
8 And paragraph 4, we are going to change just
9 two things. First is the number of inches
10 apart. If you go down to, like, the -- the
11 last -- second-to-last line there, it says
12 "42 inches apart." We are going to say 72
13 inches apart at their narrowest. So we are
14 going to change 42 to 72, and then after the
15 word "apart," we are going to add, "at their
16 narrowest."

17 And the intent here is to take into
18 account that there are odd-shaped signs.
19 They are not all rectangles. It could be a
20 trapezoid. And the side that might be facing
21 the street might be that narrowest part, and
22 we want to just provide a little bit more
23 flexibility than the 42 inches. 42 inches
24 almost puts them just back to back to start
25 with. That was the only change in 1151.03.

1 In 1151.04, "Maximum sign area
2 permitted," section A, in the heading, it
3 says "Business identification signs." We are
4 going to add the word, slash, "institution,"
5 after the word "business."

6 Then if we go down to paragraph -- or
7 subsection 2 in that same paragraph, A, it
8 reads, "Freestanding identification signs."
9 We are also then going to add the word
10 "institution" after the word "business," in
11 the area of freestanding business/institution
12 identification signs. So we are just
13 equalizing the two out.

14 And then if we get into the next section,
15 1151.05, I believe that should be a graph for
16 you, of maximum area of freestanding signs.
17 And it's a grid across the top, the various
18 types of districts; single-family,
19 multi-family, park and institutional and
20 office buildings, mixed use overlay, general
21 business.

22 And you'll see the "Sign type." Number
23 one is a "Nameplate." Number 2 is
24 "Residential development identification
25 signs." And then number 3 is "Institution

1 identification signs." And the areas that we
2 are going to add is just making this mirror
3 what the business identification sign section
4 pretty much reads.

5 So section A would be listed as "Attached
6 to building." So under "Institutional
7 identification signs," right now you just
8 have "Wall sign" and "Freestanding sign."
9 That's all that's allowed presently under the
10 institutional identification signs. That's A
11 and B.

12 So we are going to relabel A. It says
13 "Wall signs." We are going to call it
14 attached to building. Because in the
15 business identification section that goes on
16 later, they also call number A "Attached to
17 building." So I thought just for clarity, we
18 should call it the same thing.

19 MR. SERRA: Why don't you just change --
20 why don't you just take 3 and add -- and
21 combine it -- I mean, take 4 and turn it to 3
22 and say institution and business?

23 MR. DEORIO: We could, except there are a
24 couple things under the business
25 identification signs that -- for instance,

1 awning or a canopy sign, that's under
2 business, but that is not under institution.
3 We can put that in and we can do exactly what
4 you say and try to mirror that.

5 Because my intent was to do exactly what
6 you are saying. If we look at, say, F,
7 "Window sign," under the business class, I'm
8 proposing adding an F, business -- an F,
9 window class, under institution, and
10 basically copy the same language over.

11 MR. SERRA: Yeah.

12 MR. DEORIO: So that would be appropriate
13 from what you are telling me that you'd like
14 to see, is --

15 MR. SERRA: That would -- I would be okay
16 with that.

17 MR. MCCLEASTER: I would -- yeah.

18 MR. DEORIO: Make it simpler, even
19 by consolidating -- instead of 3 and 4, that
20 would just be 3. It will be institution
21 identification and business identification
22 signs. Just have one.

23 MR. SERRA: And that would follow
24 everything that's under 4 right now today?

25 MR. DEORIO: Yeah.

1 MR. SERRA: I'm okay with that.

2 MR. MCCLEASTER: Yeah.

3 MR. FOX: Just re-number 5, 6, and 7; 4,
4 5, and 6.

5 MR. DEORIO: Yeah.

6 MR. FOX: That makes good sense. I mean,
7 that -- that is spot on with the original
8 explanation of, as he said, 40 years ago,
9 churches held services and maybe Sunday
10 school. And now there is, besides churches,
11 other institutional programs. Many of those
12 mirror for-profit businesses.

13 So by keeping these -- these rules
14 where -- if you have been in some of the
15 zoning board of appeals meetings, it -- you
16 almost feel like that -- the frustration that
17 you have a sign that they want to redo, that
18 has been out there for a number of years;
19 they can't bring it from, say, the 80 square
20 feet that they have, to the 40, but they are
21 willing to -- and many of these are -- these
22 are corporate designs for national or
23 international -- McDonald's was here, and we
24 had to say, no, because you've got to bring
25 it into compliance or we are not approving

1 it. And some of those were willing to
2 greatly reduce, but couldn't quite get there
3 through corporate. And to the very
4 standards, they said no, we are going to have
5 to leave it as it is. So this -- this, I
6 think, will really help in many of those
7 situations.

8 MR. SERRA: Yeah. I -- I'm -- yeah, I
9 agree. I mean, it is an issue. I mean, the
10 company I work for, we had to change our
11 signs, and it was -- so this will help a lot.

12 Okay. So those will get combined.

13 MR. DEORIO: Yep. All right. And then
14 if we move on to section 1151.06, this was
15 where the chapter heading had to be changed.
16 So "Bonus sign area for business" -- and then
17 we would insert "or institution" --
18 "identification signs attached to buildings."
19 So that's the heading. That's what we
20 changed back on page 1.

21 In the first paragraph, it would be the
22 insertion of "institution" in two locations.
23 In the first line, "Additional area for
24 business" -- insert "or institution" --
25 "identification signs attached to buildings

1 shall be permitted for lots in" -- insert the
2 word "institution" -- business, mixed-use
3 overlay, and industrial districts in
4 compliance with the following." So those are
5 the only two changes there.

6 Moving on to 1151.07, "Regulations for
7 freestanding signs," in subsection B, the
8 title, "Freestanding business" -- we would
9 insert "and institution" -- "identification
10 signs." And then in the description, we
11 would add -- after "A freestanding business,"
12 we would add "or institution,"
13 "identification sign shall comply with the
14 following." And that is all the changes to
15 that section.

16 And 1151.08, we have another graph here,
17 and the -- this is for "Maximum height of
18 freestanding signs." And in section 2,
19 "Institution identification signs," all the
20 way to your last column, presently, it says
21 "6 feet" in the "General business and
22 industrial district." And we would want to
23 change that to 25 feet, letter "A" in
24 parentheses afterwards, which is exactly what
25 is underneath 3, "Business identification

1 signs."

2 And A is the para -- is the exception
3 that for signs located on lots with frontage
4 on Whipple Avenue, the maximum sign height
5 shall be 35 feet.

6 MR. SERRA: Why is that?

7 MR. DEORIO: Pardon me?

8 MR. SERRA: Why is that?

9 MR. DEORIO: To me, it was an oversight,
10 that if it -- if an institution is in a
11 general business district or an industrial
12 district, which is what we pretty much have
13 on Main Street, we were limiting the size of
14 the sign to 6 feet high, while we were
15 letting businesses have signs that are 25
16 feet high.

17 And back then, I'm just guessing that
18 that is -- there probably wasn't even a need.
19 I'm not sure anybody is requesting that here,
20 but just to try to make it uniform between
21 the two, that we -- we would certainly allow
22 that. But -- or if the -- if the Board was
23 more comfortable with another number. I was
24 just, again, trying to provide as much
25 consistency between the two classes. But we

1 can certainly deviate here.

2 MR. FOX: I think if -- from being the
3 person that gets many of these calls, that so
4 far through this, we have kind of kept the
5 two together. If we deviate from this, then
6 the question is -- we should have a strong
7 reason, rationale for deviating. And we
8 don't -- if we wanted to change the 25, maybe
9 there is one on -- in that area that's
10 already 25, and that would have brought them
11 out of compliance in their -- the next time
12 they change.

13 So if we were following as we have done
14 so far, I recommend that you -- unless you
15 thought that the 25 for the business should
16 come, as well, that the institution number
17 should be --

18 MR. SERRA: Should mirror.

19 MR. FOX: Because we are trying to --
20 yeah, mirror. Because that's what we are
21 trying to capture. There -- there is
22 certainly a disparity in the size, but not so
23 much in the services that they are offering.

24 MR. SERRA: Okay. Any more changes?

25 MR. DEORIO: One more. The last one is

1 1151.16, "Regulations for nonconforming
2 signs." This was the example I gave of
3 trying to get incentive to get signs into
4 com -- into compliance when there is a
5 change, either an alteration or a removal.

6 So it's in section B, "Alteration and
7 removal of nonconforming signs," number 1. C
8 is what we are going to add this language to
9 read. We are basically replacing the
10 entire -- that entire paragraph with this
11 language. I'll read it a couple times, and
12 then break it down.

13 Except an existing sign that is
14 nonconforming only because of sign area
15 surface or sign height, as determined in
16 section 1151.05 and 1151.08, respectively,
17 may be modified or replaced, provided the
18 modification or replacement improves
19 conformity as to area by at least 30 percent
20 and as to height by 20 percent.

21 So we'll do that again. Except an
22 existing sign that is nonconforming only
23 because of sign area surface or sign height,
24 as determined in section 1151.05 and section
25 1151.08, respectively, may be modified or

1 replaced, provided the modification or
2 replacement improves conformity as to area by
3 at least 30 percent and as to height by 20
4 percent.

5 The thought, with those calculations, if
6 they are going in to see John, and, you know,
7 John, his team is looking at the sign, and
8 they say, well, that sign is out of
9 compliance by this much area or this much
10 height. Show me your plan. Does it bring it
11 into compliance by 30 percent closer on area
12 and 20 percent by height?

13 And if so, that would be something
14 that -- that John could move forward with and
15 allow it to go, and save that process of
16 going to the ZBA, trying to get a variance,
17 wherein there is no standard. It's either --
18 it's either yes, you are in full compliance,
19 or you are not. And then being rejected and
20 going through what the law director pointed
21 out are the -- the downdrafts to that. This
22 provides a way forward. It's something that
23 can be changed or modified as we try it out.

24 MR. DALPIAZ: The question becomes, at
25 what point is it a burden on the business

1 owner? If I come -- if I come here, and I --
2 I buy a building. Okay? And I want to put a
3 new sign up. There is an existing sign
4 there, and I say I want to change that sign.
5 If you are saying -- like, the Arby's
6 example, it's not a change of use.

7 MR. DEORIO: Correct.

8 MR. DALPIAZ: Correct? That's kind of
9 how this was all driven. So in that
10 situation, a non-change of use is different
11 than a change of use or business, in my mind.
12 Okay?

13 Because if you are an existing business
14 and you renovate, and you say, hey, part of
15 our renovation, we got a new logo. We need
16 to change our sign. Right? We re-branded.
17 We redid the building and now we want to
18 change these signs, whether it be a building
19 sign or a freestanding sign.

20 At what point is that a burden on the
21 person? If I spend a million dollars on a
22 building, why shouldn't we be telling them,
23 it's a \$20,000 sign, you just spent a million
24 dollars, you should have worked that into the
25 budget? Right? There is -- there is like a

1 level of burden here.

2 Because what will happen is, if it
3 just -- if we just say, hey, you can do
4 better, that's okay, everyone is just going
5 to do better. Do you understand what I'm
6 saying? They are not going to choose, oh, we
7 are going to meet -- we are going to comply
8 by this. Oh, only 30 percent less? We are
9 going to do that one. There has to be some
10 burden level.

11 The same applies -- prime example,
12 accessibility in a building. You renovate a
13 building, you have to provide, you know,
14 accessible means. There are specific things
15 in the Ohio building code that say if you
16 spend X amount of money, you have to spend 20
17 percent of that money on improving
18 accessibility.

19 You know, they are trying to make it so
20 that, okay, if you are spending a small
21 amount, you don't have to go above and
22 beyond, but you have to do something to help
23 make it better. But if you come in and you
24 spend a lot of money, you need to figure out
25 how to go above and beyond, because,

1 obviously, you know, you are completely
2 renovating the place.

3 So that -- this is a very touchy area,
4 because if you give anybody an opportunity to
5 only do a little bit, they are only going to
6 do a little bit.

7 MR. DEORIO: True.

8 MR. DALPIAZ: So if a company comes in
9 and it's a change of use, I mean, do we have
10 change -- well, yeah, when the existing use
11 has new ownership, which results in a change
12 in the name of use or business on the
13 property, would the 30 percent apply to that?

14 MR. DEORIO: I didn't put that in that
15 section. You are reading section 2.

16 MR. DALPIAZ: Okay. I'm just --

17 MR. DEORIO: Yeah.

18 MR. DALPIAZ: I'm just trying to make
19 sure we get this clarified.

20 MR. DEORIO: Yeah, to your point, if we
21 are reading that and understanding it
22 correctly -- and let's just use some
23 examples, so it makes it clear. But let's
24 say that Quality Heating and Cooling on Main
25 Street --

1 MR. DALPIAZ: Yeah.

2 MR. DEORIO: -- that building is sold,
3 and a doughnut shop moves in. And they don't
4 want the sign that says Quality Heating and
5 Cooling. They want to put up a doughnut
6 sign. So that's change of use. They are
7 under section 2. They have to conform.
8 That's a new use.

9 MR. DALPIAZ: Right.

10 MR. DEORIO: That sign. But if Quality
11 Heating and Cooling remained in the building,
12 and they just wanted to put up a nicer
13 looking sign -- not disparaging their sign,
14 but they wanted to put up a nicer sign, and
15 it was not in compliance, right now, that
16 choice is full compliance or not. And they
17 are choosing not. That's the reality of it.
18 So this is just a way to get there.

19 I'm glad you brought it up, because it's
20 a very important distinction --

21 MR. DALPIAZ: Yeah.

22 MR. DEORIO: -- that change of use. You
23 are right, it -- there is -- that budget, you
24 should have figured that in. That's not our
25 fault. That's your problem.

1 MR. DALPIAZ: Well, I mean, it can even
2 be an issue on an existing facility. I mean,
3 you can go into an existing facility and say,
4 hey, we just hit the lottery; like, our
5 business is exploding. We are going to
6 expand tenfold. We are going to do a \$20
7 million renovation. But they are going to go
8 in and say, oh, we won't comply with the
9 sign. We are just going to do a little
10 better. And that -- that sign is a drop in
11 the bucket, compared to the overall
12 renovation. But the people will choose that
13 path. I'm just telling you from --

14 MR. DEORIO: Yeah, but let's take --

15 MR. DALPIAZ: I have -- I have seen this.
16 It's the lowest common denominator. Right?
17 They are going to --

18 MR. FOX: But at -- to what Patrick was
19 getting at earlier, where they were choosing
20 to --

21 MR. DALPIAZ: Not do anything.

22 MR. FOX: Because it -- it goes down to,
23 like, the design company that they bring in
24 and for -- you know, why didn't you look at
25 this earlier to try to come in compliance.

1 Because when we had Acme that had the --
2 has the sign with the plaza, and then all the
3 other stores that are in there, some of those
4 storefronts have changed, some of them have
5 just moved out and it's empty. And they
6 brought their design person in and said,
7 well, we are getting closer. We can't quite
8 get to what your really rigid standards are.
9 We are hoping that with this new modern
10 design and coming closer, that you'll accept
11 this.

12 And the Board had said, by golly -- and
13 even though that's why they grant variances,
14 they said you -- for that very reason --

15 MR. DALPIAZ: Yeah.

16 MR. FOX: -- why can't you get closer?
17 And so in just -- it was -- I think in one
18 meeting, it was Acme. And it was either the
19 next meeting or perhaps at that same one,
20 international corporation, McDonald's, was
21 here and did a similar type of presentation,
22 saying this is the new design. We are
23 changing the storefronts and it's going to
24 look like this. And we are much better, but
25 we are not quite there. And we said no.

1 And to his point, that sign is going to
2 remain unless -- as you said, they dug in,
3 too; the lowest common denominator. They are
4 leaving that sign versus we can't get it to
5 the dimensions that you are asking for.
6 We -- it's impossible. They don't make
7 McDonald's signs that small.

8 MR. MCCLEASTER: They haven't been to
9 Hudson.

10 MR. DALPIAZ: Yeah. Well, that's my --
11 that's my angle. That's kind of my angle on
12 all this --

13 MR. FOX: I understand.

14 MR. DALPIAZ: -- that there are lots of
15 places that they do conform. Right?

16 MR. FOX: Oh, yeah. I have seen walls.
17 You know, it's a 5-foot wall.

18 MR. DALPIAZ: That's it. There is --

19 MR. FOX: There is no --

20 MR. DALPIAZ: -- no freestanding sign.
21 There's no building sign.

22 MR. FOX: There are no signs.

23 MR. DALPIAZ: Yeah, right, there are no
24 signs.

25 MR. FOX: Yes.

1 MR. DALPIAZ: I understand --

2 MR. FOX: They need to find a way.

3 MR. DALPIAZ: -- there is a fine line.
4 But I guess my point is we have to be
5 conscious of that. They go places and they
6 comply. So I think this verbiage, I just --
7 like, it needs really explored on how we
8 would approach that.

9 MR. MCCLEASTER: But isn't -- isn't
10 coming a little bit into compliance as
11 opposed to total compliance better than a
12 ratty, falling-down sign?

13 MR. DALPIAZ: I get -- I do get that
14 point, but a ratty, falling-down sign, we
15 have provisions in there saying it needs
16 replaced.

17 MR. MCCLEASTER: Right.

18 MR. DALPIAZ: Somebody comes out and
19 says, you know, replace the sign. So I think
20 the verbiage is very important on how that
21 approach -- I do agree with the approach.
22 I'm not saying I don't agree with the
23 approach. I totally agree. The closer we
24 can get and we can push people in that
25 direction, that's great.

1 But my point is, somebody like McDonald's
2 has every financial ability to comply.
3 Right? It's not a money issue. It's merely
4 they want to maximize their advertising area.
5 I mean, any corporation -- big corporation is
6 like that.

7 We don't want to put the small business
8 out. Right? A local business that says,
9 hey, I want to replace a sign, but I don't
10 have the money to do it, but I'd like to
11 shrink it down or do something. We want to
12 make that approachable.

13 So I think it's just -- I'm not sure what
14 it needs to say. I'm trying to think about
15 that. But I don't know if the distinction
16 needs to be made between building signs and
17 freestanding signs maybe. You know what I'm
18 saying?

19 I have a real issue with signage. I
20 think in our -- not just North Canton as a
21 city, in this entire area, the sign issue is
22 out of control. I think it's -- there is no
23 reason for that much signage.

24 In the day of people couldn't find where
25 they were going, signage, that -- that was

1 how you got there, signage. Right? Driving
2 down the highway, oh, there is a gas station,
3 oh, there is this, oh, there is that. You
4 drive down the main road, oh, there is this.

5 Our generations are moving further and
6 further away from that. Everyone plugs it in
7 their phone to get there. Right?

8 So I feel like the signage hasn't kept up
9 with the times, and there is just a lot of
10 signage. When you have a freestanding sign,
11 a building sign, a pole sign, a building sign
12 on four sides of the building, it just --
13 it's a lot.

14 So I don't know if that reduction needs
15 to be defined of freestanding signs only you
16 can do the reduction. But if you tear the
17 sign off the side of the building, you have
18 to meet the new -- you know, sorry.

19 Because, typically, if someone is
20 renovating a building, and there is a sign on
21 the building, they are going to have to take
22 it off anyway to renovate the building.
23 Right? So I'm not sure if -- but that's just
24 partially my opinion on it, but also I think
25 it just needs to be very clear how that

1 operates.

2 MR. SERRA: What we are trying to do
3 tonight is make a recommendation to Council
4 to help clarify, correct?

5 MR. FOX: Yes. Because Council, despite
6 what's in the ordinance -- the ordinance
7 states that for Council to support the
8 recommendation, it's just a majority vote;
9 for Council to override, I believe it's five
10 votes. It's actually in the ordinance.

11 But it conflicts with our charter. Our
12 charter states that other than anything
13 stated in the charter, that you simply need a
14 majority vote for members of the Council.
15 And because it doesn't state overriding a
16 Planning Commission recommendation, then it's
17 just four votes.

18 So that you don't have to exactly nail
19 down the language for the recommendation, but
20 together with the minutes and the
21 recommendation, that flows up to all of the
22 Council members, who, because this relates to
23 planning and zoning, has to have a public
24 meeting, has to give it three readings, and
25 then they have the ability to take the whole

1 thing, deny the whole thing, or amend it in
2 any way.

3 But I think it's important that those
4 concerns be heard. I think you are right in
5 that, as you said, even when it's on the
6 building, it's not right in your face. It's
7 not -- some of those are offensive, that they
8 are so bright and so loud to -- and they say,
9 hey, we want to capture your attention when
10 you are driving by. But, yeah, the
11 freestanding signs is -- is particularly --

12 MR. DALPIAZ: So the McDonald's
13 example -- or the Arby's example, is that the
14 freestanding sign?

15 MR. FOX: Yes.

16 MR. DALPIAZ: Right?

17 MR. FOX: Yes.

18 MR. DALPIAZ: Correct? That's what I
19 thought.

20 MR. FOX: Yep. And so was Acme. And
21 McDonald's was -- one of theirs -- two of
22 theirs were freestanding.

23 MR. DALPIAZ: So the Acme was the -- the
24 freestanding sign?

25 MR. FOX: Yes.

1 MR. DALPIAZ: Okay.

2 MR. DEORIO: As was McDonald's.

3 MR. FOX: As was McDonald's.

4 MR. DALPIAZ: Right. So I want -- that's
5 where I'm trying to go, is maybe the
6 clarification should be for the -- or the
7 reduction, sorry, should be for freestanding
8 only. You know what I'm saying?

9 MR. FOX: Uh-huh.

10 MR. DALPIAZ: Because, typically, if you
11 are renovating that building, that sign is
12 going to come off and you are going to have
13 to redo it -- you are probably redoing the
14 sign anyways. So do we want to be able to
15 let people reduce that? Or just say, hey,
16 the building sign, we already have that, and
17 that's defined, and we want it the new way.
18 But your freestanding sign, we'll give you
19 some leeway.

20 MR. DEORIO: I'm amenable to that. And I
21 would recommend that to the -- to the
22 Council. If you referred it over, I would
23 advocate on your behalf. That's fair.

24 MR. SERRA: He agrees, too.

25 MR. DALPIAZ: Okay.

1 MR. SERRA: So we have that.

2 MR. MCCLEASTER: Just the freestanding?

3 MR. DALPIAZ: Yeah. Yeah.

4 MR. SERRA: Just the freestanding.

5 MR. DEORIO: So we -- in that case, in
6 that language that I read, we would read it,
7 except an existing freestanding sign --

8 MR. DALPIAZ: Yeah.

9 MR. DEORIO: -- that is non-conforming.
10 So --

11 MR. DALPIAZ: Yeah. Yeah.

12 MR. DEORIO: -- it would specifically
13 identify just that.

14 MR. DALPIAZ: Yeah. Correct. Correct.
15 I mean, does -- does everyone kind of feel
16 that would be appropriate, I guess, based on
17 what you have seen and just --

18 MR. FOX: Yeah.

19 MR. DALPIAZ: -- thought process through
20 it.

21 MR. SERRA: Yeah, definitely.

22 MR. FOX: Each night there is one of
23 those that's just out of kilter -- and I'm
24 just, for the record, pointing to the blinds.
25 And you can follow it. And it's with

1 Mr. McCleaster, and earlier in the nights, it
2 will be with me, and then it will move its
3 way across. There is just one, but we need a
4 ladder to get to it.

5 MR. DEORIO: Let the record reflect that
6 Mr. Fox has lost his mind.

7 MR. FOX: He sees it --

8 MR. MCCLEASTER: No. I'll agree with
9 you --

10 MR. FOX: He's shielding his eyes.

11 MR. DEORIO: Don't disagree with it right
12 now.

13 MR. SERRA: So, John -- John, did you
14 have a comment? You were --

15 MR. STIGALT: I wanted to make a comment,
16 as you brought up about the small business.
17 Right now, we have a business at 550, the
18 Sunoco, which is being renovated for a gas
19 station; you know, pump gas and sell
20 delicatessen. He is stuck with that sign.
21 He would like to do something with it.
22 This -- this would be -- about the small
23 person --

24 MR. DALPIAZ: Yeah.

25 MR. STIGALT: -- he could benefit greatly

1 from this.

2 MR. DALPIAZ: Right.

3 MR. STIGALT: Because right now, he wants
4 to do something, but our -- our code, as it
5 exists, as Mr. DeOrio said, it's an all or
6 nothing.

7 MR. DALPIAZ: Uh-huh.

8 MR. STIGALT: And he just doesn't have
9 it. He spent a lot of money to make the
10 renovations and put a lot -- brought a lot
11 of, you know, money into that. And it's
12 creating a -- you know, an asset to our
13 community. You know, that -- this -- this
14 would help him out. So I just wanted to
15 comment on what you said, a small business,
16 this -- this would be great for him, to work
17 out.

18 MR. DEORIO: And to -- and I want to just
19 add in -- and maybe John can elaborate, too.
20 But to your point about the building signs,
21 the signs that are on the building, you had
22 this issue, John, with the Goodwill, if I
23 recall, where, in some of their initial
24 prototypes or things that they were putting
25 on, or just their drawings, that the -- the

1 letters on the building were too big.

2 MR. STIGALT: Yes.

3 MR. DEORIO: And John held them to that
4 standard, and they had to change.

5 MR. DALPIAZ: Uh-huh.

6 MR. DEORIO: So, yeah, that's very good
7 that you brought that up.

8 MR. DALPIAZ: Yeah. Yeah.

9 MR. SERRA: Another item I'd like to
10 discuss in the signs is the table for
11 1151.05, "Schedule of maximum sign area." I
12 personally have had a complaint with the --
13 it will be "Business/institutional
14 identification signs," under item 5, for
15 "Directional sign," where -- the first
16 column, where we show single-family district,
17 and we say not permitted.

18 MR. DEORIO: Uh-huh.

19 MR. SERRA: I question why we are not
20 permitting it. Because that affects a lot of
21 our realtors in town. If they are trying to
22 show a house for sale, they can't put a sign
23 to direct people back to where the house is
24 at.

25 MR. DALPIAZ: Wouldn't that fall under

1 temporary signs?

2 MR. MCCLEASTER: I was going to say.

3 MR. SERRA: I -- I have been told by a
4 local realtor that the City removes them;
5 that they are not allowed.

6 MR. DEORIO: We have -- up until my
7 arrival, we had been doing that, removing
8 them. And because of some changes in the
9 U.S. Supreme Court case, it has kind of
10 turned temporary signs ordinances upside down
11 in all municipalities across the country,
12 because of the U.S. Supreme Court ruling in
13 an Arizona case.

14 And that's the expertise that we want to
15 kind of bring in, is to see where -- it has
16 been two years now. It was in December, I
17 think, of '15. So maybe two and a half
18 years -- where are communities with
19 re-writing these sections, and that they --
20 can we see some prototypes or actual examples
21 of what has been done. We don't want to be
22 the -- the lead dog on it. Let's -- let's
23 see what other ones have done, and maybe, you
24 know, piggyback off of their effort in that
25 respect.

1 But I guess I'm not the attorney here at
2 the table. I play one on TV. But temporary
3 signs, other signs, to me, if it -- I -- I
4 think I would -- if it was directional, I
5 would refer back to the directional language.
6 I wouldn't classify it as temporary, other,
7 because there -- there is already a
8 definition for that particular type of sign.
9 This would be a temporary sign that's
10 "other," that's not one of the other ones
11 already listed.

12 I think that's -- yeah, we were doing
13 that, and it doesn't make sense to me.
14 Should --

15 MR. MCCLEASTER: Weren't a lot of those
16 signs removed because they were blocking the
17 view of traffic?

18 MR. DEORIO: Yeah, we have to be --

19 MR. MCCLEASTER: That's the story I have.

20 MR. DEORIO: We have to be fair to our --
21 to our enforcement department, that, you
22 know, putting them in the devil strip,
23 blocking view of traffic, can't turn the
24 corner because there is a sign there, yeah,
25 that makes a big difference.

1 But if you are putting it up in your yard
2 enough, it's okay. But, typically, those
3 directional signs, they try to get them out
4 in the devil strip, on the corner, so that
5 you see it. You know, it's like McDonald's,
6 they want you to see their sign kind of
7 thing. But --

8 MR. DALPIAZ: Should -- I guess, should
9 the directional sign say -- I mean, should
10 the table read permanent directional sign?

11 MR. SERRA: Yeah.

12 MR. DALPIAZ: Do you -- so that there is
13 not this ambiguity. I guess Mr. Fox can
14 opine on that.

15 MR. FOX: Yeah, that -- that case dealt
16 with the First Amendment issue, and it was
17 a --

18 MR. MCCLEASTER: Is it --

19 MR. FOX: -- church --

20 MR. MCCLEASTER: Gilbert, is that what
21 you are referring to?

22 MR. FOX: Yeah, a church was putting up
23 some signs, and some of them were, like,
24 handmade, and they were sticking them in some
25 places. And the argument was is your --

1 across the country, municipalities, counties,
2 anything that would enforce these types of
3 rules, it -- it -- the Court didn't clearly
4 say what you could do, but it stated clearly
5 what you couldn't do.

6 And you couldn't make these judgment
7 calls on what the purpose of the sign was
8 for, and it called into question these
9 temporary signs. Because sometimes the sign
10 is for elections, and so as our nuisance
11 officers and -- and sometimes we get these
12 calls, and sometimes these calls are to not
13 really ask the question, to get the -- they
14 are seeking knowledge. They know what the
15 rule is. They are seeking whether or not you
16 are going to have -- make them brief and make
17 this mistake, by saying, what's your
18 ordinance on election signs, and then we
19 state, well, really, it's a temporary sign.
20 So we try to make sure that they know this.

21 We don't treat an election sign any
22 different than a garage sale or anything like
23 that. We treat it as a temporary sign. It
24 doesn't matter if it's directions to a church
25 or it's for an open house for a sale.

1 Content neutral was the big message.

2 MR. DALPIAZ: Uh-huh.

3 MR. FOX: And so the -- we try to put,
4 you know, the temporary signs and be
5 consistent time frames for what's reasonable
6 for people to put them out for election
7 purposes or for the yard sale or for other --
8 what we think are temporary types of
9 situations. So I think the -- as you
10 mentioned, the directional sign, it's
11 probably not permitted is -- because it's
12 viewed as permanent.

13 MR. SERRA: And that makes sense. If we
14 would change, under 5, "Directional sign," we
15 would say permanent directional sign.

16 MR. FOX: Right.

17 MR. SERRA: Then that's not permitted in
18 residential.

19 MR. DALPIAZ: Right.

20 MR. SERRA: That will allow a lot of
21 things to occur with -- like, for realtors --

22 MR. FOX: Sure.

23 MR. SERRA: -- which I receive quite --

24 MR. FOX: You're going to see them
25 anyway. You can take them out, and they are

1 going to -- I have got another one in my
2 trunk. They are going to put it right back.
3 We understand that.

4 MR. SERRA: Yeah, we have had one person
5 on Council.

6 MR. FOX: Sure. Absolutely. And, you
7 know, if you travel down East Maple when --
8 there is institutional use there right on the
9 other side of Marquardt. One of those will
10 put a temporary sign every 5 feet along the
11 hundred yards to tell you that on Saturday,
12 there is an event. We try to -- a couple of
13 those, we'll -- we'll do. But --

14 MR. DEORIO: Well, be --

15 MR. FOX: -- I think you're right
16 there --

17 MR. DEORIO: Well, before the Board makes
18 a decision on that, I would -- would also --
19 just help me think this through out loud.
20 But if we say that that is a permanent
21 directional sign, then it's not permitted
22 there, then that's going to kick it to
23 temporary, other, and that's saying that the
24 sign can be up to 16 square feet; whereas, if
25 you look at the directional sign in every

1 other classification, it's 4 square feet.

2 MR. DALPIAZ: Right.

3 MR. SERRA: I agree.

4 MR. DEORIO: So I would be concerned
5 about --

6 MR. DALPIAZ: Yeah.

7 MR. DEORIO: -- if the -- if the Board
8 would want to --

9 MR. DALPIAZ: I wonder --

10 MR. DEORIO: You want to just create
11 another separate classification --

12 MR. DALPIAZ: Yeah, well --

13 MR. DEORIO: -- under temporary, and just
14 spell it out?

15 MR. DALPIAZ: I wonder if we should
16 separate this discussion for --

17 MR. MCCLEASTER: The signs.

18 MR. DALPIAZ: -- the -- well, the -- this
19 discussion for temporary signs, separate from
20 what we are trying to accomplish. You know
21 what I'm saying?

22 MR. FOX: Because we are working on
23 that --

24 MR. DALPIAZ: Right.

25 MR. FOX: -- with a -- an expert.

1 MR. DALPIAZ: I think the changes you are
2 requesting should just be the ones that are
3 applied for --

4 MR. DEORIO: Okay.

5 MR. DALPIAZ: -- the direction we are
6 trying to take that. And then this -- I
7 think we revisit this as a separate
8 discussion for making -- clarifying
9 directional and this temporary sign issue.

10 MR. FOX: As the Administrator said, we
11 are -- there is a bit of a moratorium on
12 those type of temporary signs, but we are
13 trying to figure out the best way to go about
14 that, like many cities, villages, and
15 townships across the country.

16 I mean, I have seen and read about
17 committees that would spend six months on
18 something like this as their sign ordinance.
19 And they have lost touch, I think. And
20 others that -- the Court then backs off and
21 says you are going too far. We are just
22 trying to make sure that you are not saying,
23 look, you are only pulling out those church
24 signs.

25 MR. DALPIAZ: Uh-huh.

1 MR. FOX: That's kind of what they were
2 pointing at. And -- because they were
3 handmade, and it appears you have an issue
4 with them. So that's kind of where they said
5 you have got to be content -- content neutral
6 on this. And everyone just kind of did a
7 full stop and looked to see how they were
8 going to be enforced later.

9 So in many cases -- and I have talked to
10 all of the law directors in Stark County. We
11 discussed this, how we enforce this and how
12 we are trying to resolve neighborhood
13 complaints. And what we found, in
14 comparison, is that often those that are in
15 that neighborhood somewhat take care of it
16 themselves; not in that it's vigilante type
17 things, but they are like, hey, you know, the
18 campaign was almost three, four weeks ago.
19 It's about time, Joe. And they are like, all
20 right. Or -- and so they remove that. And
21 the garage sale signs come down. Why
22 don't -- or a neighbor just brings it back to
23 them from the curb strip. So many of those
24 are kind of self-policing.

25 But the administration is diligently

1 looking at that, so we can wrap that up in a
2 way that we don't get caught up in some kind
3 of lawsuit that we are targeting someone
4 simply, because they are putting their
5 temporary sign in the line of sight or in the
6 devil strip, or it appears we are trying to
7 regulate something when we are just trying to
8 be even-handed.

9 MR. SERRA: So I just want to make sure
10 the Planning Commission is clear. What I
11 just heard then is that we are not going to
12 touch the verbiage of directional signs --

13 MR. DALPIAZ: Yeah.

14 MR. FOX: Correct.

15 MR. MCCLEASTER: Correct.

16 MR. SERRA: -- at this stage. Okay.

17 Anything else that the Planning
18 Commission --

19 MR. DALPIAZ: I just have one question.
20 The institution -- how institution is defined
21 at the beginning of -- where is it at --
22 1151.02, under -- you know, where we say,
23 "Business identification sign," and then we
24 say institution identification sign, and you
25 wanted to make the -- I guess, is there

1 anywhere else in our code that references
2 "institution" and what the definition of that
3 is?

4 Because it's defined under the sign area,
5 you know, section B, "Institution
6 identification sign." It says "churches and
7 other places of worship, hospitals, public or
8 semi-public recreational facilities,
9 schools." I just wonder, is that defined
10 anywhere else and is there any ambiguity
11 there of what is an institution?

12 MR. DEORIO: What --

13 MR. DALPIAZ: Because, I mean, a hospital
14 can be considered a business. So we may
15 just -- I just want to make sure it's clear
16 that --

17 MR. DEORIO: I think it follows the
18 zoning.

19 MR. FOX: What I'll do is -- I don't have
20 the electronic at hand, but what I'll do --
21 and we'll raise that issue. If they are
22 inconsistent --

23 MR. DALPIAZ: Yeah. I just --

24 MR. FOX: -- we'll bring them that they
25 are consistent across the board.

1 MR. DALPIAZ: You know, should it say
2 healthcare facility? Or -- you know, I just
3 want to make sure that that verbiage of what
4 we identify --

5 MR. FOX: Right.

6 MR. DALPIAZ: Even though we are bringing
7 them up to the same speed, just so everyone
8 is clear, that this falls under that area.

9 MR. FOX: Yeah, I agree.

10 MR. SERRA: It's not defined under the
11 definitions.

12 MR. DALPIAZ: Yeah, I didn't see it in
13 definitions. That's why I raised the
14 question, actually.

15 MR. FOX: And --

16 MR. DALPIAZ: Yeah.

17 MR. FOX: -- it -- we'll make that
18 recommendation, that that's clear --

19 MR. DALPIAZ: Okay. Yep.

20 MR. FOX: -- as all of the others.

21 MR. SERRA: Anything else from the
22 Planning Commission?

23 MR. MCCLEASTER: No.

24 MR. DALPIAZ: No.

25 MR. SERRA: Any comments from the general

1 public?

2 (No response.)

3 MR. SERRA: Okay. So we made some
4 recommendations. I guess now we need a
5 motion to either recommend this to move
6 forward to City Council, or not recommend it.

7 MR. MCCLEASTER: I make -- I move that we
8 forward these changes on as presented by
9 Mr. DeOrio, and I believe the one change that
10 you made, for discussing the sign -- the
11 height of the signs, and we pass this on to
12 City Council. So I move we recommend it.

13 MR. SERRA: Is there a second?

14 MR. DALPIAZ: I second.

15 MR. SERRA: Vote.

16 MS. KRENDICK: Mr. McCleaster.

17 MR. MCCLEASTER: Yes.

18 MS. KRENDICK: Mr. Dalpiaz.

19 MR. DALPIAZ: Yes.

20 MS. KRENDICK: And Mr. Serra.

21 MR. SERRA: Yes.

22 Okay. I don't think there is anything
23 else on our public hearing tonight. So I'll
24 ask for a motion to adjourn.

25 MR. DALPIAZ: I'll motion to adjourn.

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MR. SERRA: Second?

MR. MCCLEASTER: Second.

MR. SERRA: Call.

MS. KRENDICK: Mr. Dalpiaz.

MR. DALPIAZ: Yes.

MS. KRENDICK: Mr. McCleaster.

MR. MCCLEASTER: Yes.

MS. KRENDICK: Mr. Serra?

MR. SERRA: Yes.

Meeting is adjourned.

- - - - -

(This proceeding concluded at 8:17 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 14th day of July, 2018.

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

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