

CITY OF NORTH CANTON, OHIO  
PUBLIC HEARING

TRANSCRIPT OF  
JANUARY 24, 2022, MEETING

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Transcript of Proceedings of the Public Hearing,  
taken by me, the undersigned, Laurie Maryl Jonas, a  
Registered Merit Reporter and Notary Public in and for  
the State of Ohio, at the North Canton Civic Center,  
845 West Maple Street, North Canton, Ohio, on Monday,  
January 24, 2022, at 6:45 p.m.

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APPEARANCES:

- Stephanie Werren, Council Vice President, Ward 3
- Jamie McCleaster, Ward 1
- David Metheney, Ward 2
- John Orr, Ward 4
- Daryl Revoldt, At Large
- Christina Weyrick, At Large
- Patrick A. DeOrio, Director of Administration
- Jina E. Alaback, Director of Finance
- Robert G. Graham, Engineering Services
- Catherine A. Farina, Deputy Director of  
Administration and Development
- Martin Van Gundy IV, Chief Building Officer
- Stephan B. Wilder, Mayor
- Benjamin R. Young, Clerk of Council

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1 MRS. WERREN: I now call to order the public  
2 hearing before city council on Monday, January 24,  
3 2022, at the 6:45 p.m.

4 Roll call, Ben, please.

5 MR. YOUNG: Member McCleaster.

6 MR. MCCLEASTER: Present.

7 MR. YOUNG: Member Weyrick.

8 MS. WEYRICK: Here.

9 MR. YOUNG: Member Werren.

10 MRS. WERREN: Here.

11 MR. YOUNG: Member Revoldt.

12 MR. REVOLDT: Here.

13 MR. YOUNG: Member Metheney.

14 MR. METHENEY: Here.

15 MR. YOUNG: Member Orr.

16 MR. ORR: Here.

17 MR. YOUNG: Member Stroia is absent.

18 MRS. WERREN: I ask that we please excuse  
19 Matt Stroia.

20 MR. REVOLDT: So moved.

21 MR. METHENEY: Second.

22 MRS. WERREN: All in favor, say "aye."  
23 ("Aye" in unison.)

24 MRS. WERREN: Those opposed? Motion passes.  
25 City council is seeking public comments on

1 the following items. We can look at our agenda.  
2 First item on our agenda is Ordinance 58-2021. Ben,  
3 would you please read the title for the record.

4 MR. YOUNG: An ordinance amending Chapter  
5 1133, Single-Family and Two-Family Residential  
6 District Regulations, specifically Subsection  
7 1133.08(d), Swimming Pools, and Chapter 1707,  
8 Swimming Pools, Spas, and Hot Tubs, specifically  
9 Subsection 1707.01(b) of the codified ordinances of  
10 the City of North Canton to lower the minimum  
11 required height of fencing for swimming pools to  
12 4 feet.

13 MRS. WERREN: Chairman Revoldt, you have  
14 talked about this. Would you like to summarize this  
15 for us.

16 MR. REVOLDT: Yes, this is what we call the  
17 Cerreta Rule, and it will take the height of the pool  
18 fence from 5 to 4. The rationale is that 4 feet is a  
19 standard height which is readily available, 5 feet  
20 being a custom height. So we are responding to that  
21 request and we align our standard with the industry.  
22 It comes to us with the recommendation of clearance  
23 of planning commission and on the recommendation of  
24 Mister -- from Marty.

25 MR. VAN GUNDY: Yes, sir.

1 MRS. WERREN: Okay. At this time is there  
2 anyone wishing to speak in favor of the Ordinance  
3 58-2021?

4 Okay. At this time is there anyone here  
5 wishing to speak against Ordinance 58-2021?

6 Okay. The last opportunity for anyone  
7 wishing to address council on this item.

8 And then are there any further comments from  
9 council at this time?

10 MR. REVOLDT: I think we've all been invited  
11 to Mr. Cerreta's home to hop the fence on the first  
12 warm spring evening, so we'll be there. After dark.

13 MRS. WERREN: Okay. Okay. The second item  
14 on our agenda is Ordinance 70-2021. Ben, would you  
15 please read the title for the record, please.

16 MR. YOUNG: An ordinance amending various  
17 sections of the City of North Canton Zoning Code and  
18 adding thereto new definitions and establishing a new  
19 chapter in order to establish a source water  
20 protection area and provide for the regulation of  
21 substances for the protection of groundwater  
22 resources within the source water protection area.

23 MRS. WERREN: Chairman McCleaster, would you  
24 like to summarize this item for us.

25 MR. MCCLEASTER: Sure. This is an item that

1           came before I guess it was the previous council, went  
2           to planning commission and now is back here for  
3           public comment. Just it's a measure that would  
4           protect our water and create a -- basically designate  
5           different areas in different zones. So I don't know  
6           if Patrick has anything he would like to add on that.

7                     MR. DEORIO: Yes. This was a matter that has  
8           been worked on for the better part of a decade and  
9           has fallen short of implementation, so we've picked  
10          the ball up on this. It does pretty much what  
11          Mr. McCleaster was indicating, it's establishing new  
12          zoning over top of certain areas wherein the flow of  
13          source water to our wells is within a one-year or a  
14          five-year timetable. And if new business is going to  
15          locate into one of these designated areas, we want to  
16          make sure that all the necessary protocols are taken  
17          to protect our water from spills of things that might  
18          be housed on-site.

19                    MR. MCCLEASTER: Okay. Thank you,  
20          Mr. DeOrio.

21                    MRS. WERREN: Okay.

22                    MR. REVOLDT: Mr. DeOrio, if you might also  
23          note for the record that this legislation extends our  
24          authority beyond our corporate limit, does it not.

25                    MR. DEORIO: Yes, it does. The state

1 legislature has created this through the Ohio Revised  
2 Code that allows us to extend this to areas where our  
3 well fields draw their water from. So, I mean, this  
4 goes into Jackson Township, Lake Township, Plain  
5 Township. And in order to get this authority, the  
6 Revised Code requires us to adopt it internally  
7 within our city boundaries first. And then once  
8 that's done and in effect, I will be meeting with the  
9 officials in the townships to talk to them about  
10 getting them to adopt these measures through their  
11 own zoning boards.

12 MRS. WERREN: Okay. At this time is there  
13 anyone here wishing to speak in favor of Ordinance  
14 70-2021.

15 MR. OSBORNE: Chuck Osborne, 307 Fairview  
16 Street, Southeast, North Canton, Ohio.

17 I would just like to clarify the historical  
18 record on this. This city did have a SWAP committee,  
19 source water area protection, back in the early part  
20 of the 20 -- 2005 time period, '5, '8, something like  
21 that. It was pushed through by former councilman, or  
22 council member Kathy Magel. It was in existence  
23 actually for about at least one term, four-year term,  
24 I'm guessing, five-year term, and prior councils  
25 failed to renew membership on the committee and I

1 know one, Miriam Baughman, was on the -- on the  
2 committee and her term -- she termed out and this  
3 council refused to reappoint her, so the SWAP  
4 committee basically was let go out of existence. So  
5 the record, I don't understand where the statement  
6 that we've been working on this for ten years. We've  
7 had one. And it was in existence for a period of  
8 time and then council just let it go out of  
9 existence. So I just wanted to provide that  
10 clarification.

11 MR. REVOLDT: May I?

12 MR. DEORIO: Yeah. I'll go, too. You go  
13 ahead.

14 MR. REVOLDT: Okay. I think, Mr. Osborne,  
15 you have ignored a critical distinction between the  
16 existence of the source water committee and what this  
17 particular piece of legislation does. The former was  
18 a committee whose -- who carried really no legal  
19 authority, and operated inside the confines of the  
20 city of North Canton. As we noted in the  
21 introduction, this particular piece of legislation  
22 extends the city's limited zoning authority outside  
23 its boundaries to protect its source water. That is  
24 a critical distinction.

25 I would argue that the committee that had



1           been formed that Mr. Osborne referenced was  
2           essentially toothless. It had no authority. Ergo,  
3           its utility was nominal at best. This particular  
4           legislation gives the municipality, with the  
5           authority of the Ohio Revised Code, the ability to  
6           intervene and protect its well fields, with one  
7           exception, are outside the city. Two exceptions, I'm  
8           sorry, are outside the city. This is a big deal.

9                   MR. DEORIO: Yeah. I think I just want to  
10           echo that this is, you know, something that's  
11           completely different than what was in the past.  
12           There was no source water protection plan. The  
13           provisions of the Ohio Revised Code didn't exist back  
14           then as they do today. We've adopted this plan, it  
15           goes through zoning, it prohibits certain uses in --  
16           even outside our city; it gives us the legal  
17           authority to act with or without a township consent,  
18           and the people that comprise this committee today are  
19           people that are knowledgeable about what happens when  
20           there's a spill, what can happen to the water. And  
21           this includes -- will include officials from the  
22           townships as well.

23                   So, you know, as well-meaning as the previous  
24           efforts may have been, the people that comprise this  
25           committee are people with the experience and

1 knowledge of working with water and dealing with the  
2 impact if something happens to it. We didn't have  
3 that before. It was a citizens committee before that  
4 pretty much dealt with water spilling stuff on the  
5 roadways and things like that.

6 MR. OSBORNE: I'm not going to dispute. I  
7 don't know whether the state has, in the last ten  
8 years, has broadened this authority by municipalities  
9 with the water systems. I just want to acknowledge  
10 that there was a committee set up with a mindset and  
11 awareness that we need to protect our water  
12 resources.

13 MR. REVOLDT: Duly noted.

14 MR. OSBORNE: So I'm not trying to throw  
15 water on this. It should never have gone out of  
16 existence. It should have been expanded years ago  
17 when we had one. But the mindset is I didn't want to  
18 have citizenry urging council to look into areas such  
19 as the Hoover District or the East Maple well field  
20 and issues like that. So I applaud this. I'm not  
21 trying to throw water on this, to use a pun.  
22 Somebody giggled; I just now caught on.

23 Thank you.

24 MRS. WERREN: Thank you.

25 Okay. At this time is there anyone here

1 wishing to speak against Ordinance 70-2021?

2 All right. The last opportunity for anyone  
3 to address this issue on council.

4 And any other comments from council members?

5 MR. ORR: Sounds like a great ordinance.  
6 What council has done in the past is in the past.  
7 We're worried about now and in the future, so it's a  
8 great thing.

9 MR. MCCLEASTER: Agreed.

10 MRS. WERREN: Okay. Moving on. The third  
11 item on our agenda is Ordinance 72-2021. Ben, would  
12 you please read the ordinance for the record. It's  
13 on the back of the page.

14 MR. YOUNG: An ordinance amending Chapter  
15 1136, Main Street District Regulations, specifically  
16 Section 1136.05, Schedule of Permitted Uses, of the  
17 codified ordinances of the City of North Canton to  
18 change drive-through facilities to a conditional use  
19 in the Main Street South Zoning District.

20 MRS. WERREN: Chairman Revoldt, would you  
21 please summarize this.

22 MR. REVOLDT: Thank you.

23 As you may recall, when we adopted the new  
24 zoning for Main Street we did not include  
25 drive-throughs as a use in some of the districts.

1 One for our consideration tonight was the Main Street  
2 South Zoning District. The intent of the zoning  
3 ordinance was to encourage uses other than  
4 drive-throughs. That was the overall intent.  
5 However, we have a party that has leased the site of  
6 the George's Foreign Car Service. That has been a  
7 problem location since George retired from the  
8 business. And this individual is going to open a  
9 coffee shop and he would like a drive-through window.  
10 So after some discussion and deliberation, we've made  
11 the recommendation to the planning commission, which  
12 it has okayed, that we would allow for a  
13 drive-through on a conditional use. Which means that  
14 if the -- if George's -- or if the coffee shop  
15 discontinues its operation, sits, it has to come  
16 back. It's got to come back to the city. So we  
17 think this is a good way to promote use of the site.  
18 It's consistent with what we already have. We had a  
19 drive-through at Walgreens. So we're not granting  
20 something that is extraordinary.

21 MRS. WERREN: Okay. At this time is there  
22 anyone here wishing to speak in favor of Ordinance  
23 72-2021?

24 MR. ORR: I got a quick question, Daryl, on  
25 that. How about for future businesses that could be

1 built or something of that nature? Would they have  
2 to come to -- come to us with the --

3 MR. REVOLDT: Yes. It's a conditional use.

4 MR. ORR: Conditional use.

5 MR. REVOLDT: Each and every use will require  
6 its own authorization.

7 MR. ORR: I see.

8 MR. REVOLDT: And again, the intent, I think,  
9 for Main Street was we did not want Main Street to  
10 become a source for lots of drive-through activities.  
11 We wanted buildings. We wanted capital investment.  
12 Maximum use of the property. And hence, the  
13 additional hesitancy to do it. So that's why we have  
14 the conditional use here.

15 MR. ORR: Okay. Thank you.

16 MRS. WERREN: Okay. Is there anyone wishing  
17 to speak against Ordinance 72-21?

18 Last opportunity for wishing to address  
19 council on this item. Go ahead, Chuck.

20 MR. OSBORNE: Yes. I'm not going to take a  
21 side on this. I just want to call to your attention,  
22 we had a fatal accident down there in that area a  
23 number of years ago. We have traffic that runs the  
24 length and breadth of Main Street far in excess of  
25 the speed limit of 35. And I don't like the signal

1           that this sends to the public: Hey, we can change  
2           our code, our requirements, at a whim. And that's  
3           just what you're doing. I mean, we just changed the  
4           zoning code. Supposedly it was thought through, and  
5           now you're going back and tweaking it for whatever  
6           somebody who comes along and says, hey, I want to  
7           have a drive-through for my coffee shop. You have  
8           Ro's down there, I haven't gone by and looked at how  
9           close proximity this all is. Can you guarantee him  
10          having a drive-through is going to make this a  
11          business that's going to blossom into something  
12          fantastic? How many coffee shops with drive-throughs  
13          do we need to have?

14                 So I just wanted to call we have traffic  
15          issues. If you've ever walked along Main Street, and  
16          that's what everybody wants, we want a walking city,  
17          you walk down our sidewalks and within almost a  
18          hand's length you have a car that's doing at a  
19          minimum of 35 miles an hour and most likely 45, 50,  
20          I've seen them. So I'm not too keen on adding more  
21          ingress/egress up and down Main Street like this.

22                 Thank you.

23                 MRS. WERREN: Are there any further comments  
24          from council? Okay. I will now entertain a motion  
25          to adjourn.

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MR. MCCLEASTER: So moved.

MR. REVOLDT: Revoldt seconds.

MRS. WERREN: Meeting adjourned.

All in favor.

("Aye" in unison.)

Those opposed? Meeting adjourned.

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(Meeting adjourned at 7:02 p.m.)

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Attest:

  
Benjamin R. Young  
Clerk of Council

  
Matthew Stroia  
City Council President

