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CITY OF NORTH CANTON, OHIO
CITY COUNCIL PUBLIC MEETING

**TRANSCRIPT OF
JUNE 1, 2020, MEETING
VIRTUAL MEETING**

Transcript of Proceedings of the North Canton City Council, 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, June 1, 2020, at 7:01 p.m.

1 APPEARANCES:

2 Daniel Jeff Peters, Council President, Ward 2

3 Daryl Revoldt, Council Vice President, At Large

4 Doug Foltz, Ward 1

5 Stephanie Werren, Ward 3

6 Dominic Fonte, Ward 4

7 Mark R. Cerreta, At Large

8 Matthew Stroia, At Large

9 Patrick A. DeOrion, Director of Administration

10 Timothy L. Fox, Director of Law

11 Jina Alaback, Director of Finance

12 Robert G. Graham, Engineering Services

13 Catherine A. Farina, Deputy Director of
Administration and Development

14 Stephan B. Wilder, Mayor

15 Martin Van Gundy IV, Chief Building Officer

16 Benjamin R. Young, Clerk

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1 MR. PETERS: All right. At this time I would
2 like to call to order the North Canton city council
3 public meeting on Ordinance 23-20. It is 7:01 p.m.

4 The purpose of this meeting is for council to
5 obtain the public's input regarding the proposed
6 amendment to Ordinance 23-20, zoning laws to modify
7 the regulation of fences, hedges, and retaining
8 walls.

9 We haven't had anybody sign up to speak for
10 or against, so at this time I'd like to turn it over
11 to our chief building officer, Martin Van Gundy. He
12 is going to go through a brief presentation here
13 regarding this.

14 And I'll let you have it at this time,
15 Martin. Thank you.

16 MR. VAN GUNDY: Thank you, council president.

17 And in light of the sign-ups on that, I'm
18 planning on giving a summarized version of my
19 presentation. Of course, I'm available for questions
20 and any followup on that.

21 And let me see if -- is my screen showing up?
22 Oh, there it is.

23 Okay. So you should be seeing a PowerPoint
24 presentation that says "Ordinance 23-2020." Is that
25 what everybody's seeing?

1 MR. PETERS: Yes.

2 MR. VAN GUNDY: Perfect. Thank you.

3 Okay. Well, the ordinance before you tonight
4 has been presented to planning commission, which
5 those recommendations have been incorporated here.
6 And we'll go through a slide show here that, as I
7 mentioned, gives the summary of the proposed
8 ordinance.

9 The proposed ordinance is 1133.08 in its
10 entirety. As you see here, this was the stricken
11 section. We have three subsections in there. We'll
12 be looking at the proposed lines (inaudible) to
13 replace that. And the reason that we are increasing
14 the number of subsections was to limit some of the
15 fences in some areas where it doesn't make sense to
16 have (inaudible) but also get some flexibility where
17 it does make sense.

18 And the first subsection is (e)(1).
19 Essentially we're just clarifying the zoning
20 certificates and the requirements thereof and give
21 some exceptions in there. For example, the
22 vegetative hedges and invisible fences, of course,
23 wouldn't make sense to require a zoning certificate
24 on that so that's not required in this.

25 And (e)(2) is our general section, general

1 requirement. We do establish a site vision triangle,
2 and this is, you know, essentially in several areas
3 of the city in the residential zone we are increasing
4 what's permitted as the height in that height there,
5 and so it was helpful here to identify the triangle
6 clearances for vehicles particularly so we're not
7 creating obstructions for those vehicles.

8 Another one of those exceptions in there to
9 clarify is small decorative fences less than 20 foot
10 aren't subject to these requirements. Another
11 portion of this is clarifying that you stay within
12 your property lines. The smooth finish faces out.
13 Some of the items such as the smooth finish faces
14 out, this was an existing requirement carried over on
15 that. That seems to be a popular feature.

16 We clarified the maintenance of the fences.
17 We talk about easements and the clarifications
18 between the walls of generally retaining walls or,
19 you know, more of the permanent masonry or concrete
20 type of walls. Those are not permitted in the
21 easements where fences which are, of course, more
22 easily and a little more readily available to
23 relocate, but we clarify if those are placed in the
24 easement then the utility or city can remove those
25 and they would be replaced at the owner's expense if

1 they placed those in the easement.

2 Clarifying that we don't want to obstruct any
3 drainage paths, and then, of course, following the
4 approved set of plans.

5 Subsection (e) (3) is talking about the
6 materials. Essentially no scrap materials. We give
7 a list of prohibited materials in there. We also
8 prohibit electrical or sharp fences such as razor
9 wire or barbed wire. Of course, we don't want
10 anything hazardous in there.

11 The front yard fencing, we give a list of
12 what fence materials is permitted here. I did want
13 to point out that chain-link fence is not an approved
14 material for the front yards. That's a change. Some
15 don't permit fence, those type of fence in the front
16 yard, some do. I just wanted to bring that to
17 attention, this was being specifically talked about
18 as well in planning commission. The consensus was
19 chain-link does not belong in the front yard. It is
20 permitted in the rear yard, though, for that
21 clarification.

22 Subsection (e) (4) we talk about how to
23 measure the fence. And the main reason for that is
24 that you're talking about measuring at the lowest
25 point within 3 foot of the fence. Where this may

1 come into play is if the property is taller than the
2 public right of way. This ordinance would require,
3 for that height, to incorporate that additional
4 height of the property from the public right of way.
5 For example, if the property is 4 foot above the
6 public right of way, that counts as part of the
7 maximum fence height. Which could limit the fences,
8 particularly on certain parcels where we have a
9 vehicle, you know, concern there for site distance.

10 We clarify the contour of the ground and the
11 fence following that.

12 Fences located on walls. Again, consider the
13 wall as part of the height of the fence on that.

14 Retaining walls. The current ordinance
15 doesn't really talk to retaining walls. A couple
16 requirements there is again clarifying the height of
17 those retaining walls, that's consistent with the
18 building code measuring from the bottom of the
19 footing to the top of the wall.

20 Benching. There's examples of the benching
21 in the proposed ordinance that shows essentially
22 anytime where we have, again, that property is
23 36 inches or more above the public right of way then
24 it's required to have benching so the wall would be
25 set back. It would go up not to exceed 6 foot if a

1 6-foot wall was permitted in that area and they would
2 have to set back the rest of the wall at least 3 foot
3 before going up again with another wall.

4 The last two parts really talking about
5 consistency and clarification with the building code.
6 Essentially retaining walls needs to be designed to
7 support the loads that would be imposed on that wall.

8 Subsection (e) (6) we're talking about -- and
9 this is where I think it's helpful to point out that
10 (e) (6) and (e) (7) were, of course, talking about
11 front yards and rear yards in there. And in general
12 for the front yard in (e) (6) max height of 48 inches
13 and then we have some exceptions below that.

14 Essentially if it's greater than 50 percent of the
15 solid material, that fence cannot exceed 24 inches,
16 which that is consistent with the current language.
17 This is where, as we read on, we start opening up
18 options that -- where it makes sense to do that.

19 And then the first one, where a rear yard is
20 adjoining at the rear yard, if we look again at that
21 diagram in the ordinance, it will show actually two
22 examples of particularly corner side yards where rear
23 yard is adjoining rear yard, and that's Illustration
24 1133.08(e) (6) (a), and to locate this, the wall can
25 have an additional 12 inches of lattice on top of it.

1 So that was a total of a 5-foot wall as long as that
2 wall is behind the house. Again, that wouldn't be
3 obstructing any of the vehicular travel at that point
4 and makes sense. The solid fence in other areas may
5 exceed 2 feet when they're 20 foot or more away from
6 the property line which is parallel to the streets.
7 We're talking about corner side yards again. Which
8 typically are treated in the current code as a front
9 yard, so in the R70 it's a 40-foot setback. This
10 says, well, we're 20 foot away, we can still achieve
11 those type distances and keep the neighborhood still
12 feeling open.

13 The double frontage lot is a clarification
14 where we have two parcels -- or excuse me -- one
15 parcel that goes from street to street and
16 essentially you have that 50-foot setback you can
17 (inaudible) again.

18 Subsection (e) (7), again the rear yard
19 (inaudible) in general it's a 6-foot height. Another
20 clarification here is often we have -- you know, we
21 try to avoid having incompatible zoning where we have
22 industrial or commercial adjoining residential, but
23 in some cases you just can't avoid it. And in those
24 cases we've given an option here to go up to 8 feet
25 in height where that residential use adjoins that

1 nonresidential use.

2 Okay. So we talk about temporary fences.
3 Just clarification on that for construction fences
4 and snow fences, more from a nuisance standpoint.
5 And then again, upkeep and maintenance, we give some
6 language there for the nuisance to strengthen any of
7 those nuisance violations.

8 Now, as I mentioned, that was the summary on
9 that. I'm available and happy to answer any
10 questions if you wish.

11 MR. PETERS: All right. Any questions from
12 council?

13 MR. FONTE: No. Explained it well. Thank
14 you.

15 MR. FOLTZ: Thank you.

16 MR. PETERS: Yeah, thank you, Marty. I
17 appreciate all your work on this.

18 MR. VAN GUNDY: My pleasure. Thank you for
19 the opportunity.

20 MR. REVOLDT: Well, Jeff, this is Daryl.

21 Let me just add one -- one point to this. I
22 think that this lift, the amount of research that
23 went into this, underscores the reason why Pat
24 brought Marty on board.

25 MR. PETERS: Yeah. I would agree with that.

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MR. REVOLDT: Pretty sophisticated piece of work.

MR. PETERS: All right.

MR. VAN GUNDY: Thank you.

MR. PETERS: All right. Thanks again, Marty. I appreciate it.

MR. VAN GUNDY: My pleasure.

MR. PETERS: Okay. At this time if there's no more questions from council or administration for Marty, I'll entertain a motion to adjourn this public hearing.

MR. REVOLDT: Revoldt moves.

MR. STROIA: Stroia, second.

MR. CERRETA: Second.

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

("Aye" in unison.)

MR. PETERS: Opposed? All right. Motion carries.

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(Meeting adjourned at 7:15 p.m.)

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Attest:


Benjamin R. Young
Clerk of Council

Daniel Jeff Peters
City Council President

C E R T I F I C A T E

STATE OF OHIO)
)SS
 STARK COUNTY)

I, Laurie Maryl Jonas, a Registered Merit Reporter and Notary Public in and for the State of Ohio, duly commissioned and qualified, do hereby certify that this meeting was by me reduced to Stenotype and afterwards prepared and produced by means of Computer-Aided Transcription, and that the foregoing is a true and correct transcription.

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

I further certify that I am not a relative, employee of or attorney for any party or counsel, or otherwise financially interested in the event of 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, on this 7th day of June, 2020.

Laurie Maryl Jonas
 Laurie Maryl Jonas, RMR & Notary Public.
 My commission expires January 6, 2022.

<p>MR. CERRETA: [1] 11/14 MR. FOLTZ: [1] 10/15 MR. FONTE: [1] 10/13 MR. PETERS: [10] 2/21 4/1 10/11 10/16 10/25 11/3 11/5 11/8 11/15 11/17 MR. REVOLDT: [3] 10/20 11/1 11/12 MR. STROIA: [1] 11/13 MR. VAN GUNDY: [5] 3/16 4/2 10/18 11/4 11/7</p>	<p>8/10 9/7 10/2 above [2] 7/5 7/23 achieve [1] 9/10 action [1] 12/13 actually [1] 8/21 add [1] 10/21 additional [2] 7/3 8/25 adjoining [3] 8/20 8/23 9/22 adjoins [1] 9/25 adjourn [1] 11/10 adjourned [1] 11/20 administration [3] 2/9 2/13 11/9 affiliated [1] 12/14 affixed [1] 12/16 afterwards [1] 12/7 again [11] 7/12 7/16 7/22 8/3 8/20 9/2 9/7 9/17 9/18 10/5 11/5 against [1] 3/10 agree [1] 10/25 Aided [1] 12/8 Akron [1] 1/24 Alaback [1] 2/11 all [7] 2/21 10/11 10/17 11/3 11/5 11/15 11/17 also [2] 4/16 6/7 am [3] 12/11 12/14 12/14 amendment [1] 3/6 amount [1] 10/22 another [4] 5/8 5/10 8/3 9/19 answer [1] 10/9 any [7] 3/20 6/2 9/3 10/6 10/9 10/11 12/12 anybody [1] 3/9 anything [1] 6/10 anytime [1] 7/22 APPEARANCES [1] 2/1 appreciate [2] 10/17 11/6 approved [2] 6/4 6/13 are [6] 4/13 5/3 5/20 5/21 5/23 9/8 area [1] 8/1 areas [3] 4/15 5/2 9/4 aren't [1] 5/10 as [14] attention [1] 6/17 Attest [1] 11/22 attorney [1] 12/12 available [3] 3/19 5/22 10/9 avoid [2] 9/21 9/23 away [2] 9/5 9/10 aye [2] 11/15 11/16</p>	<p>be [8] 3/23 4/12 5/15 5/25 7/24 8/6 8/7 9/2 been [2] 4/4 4/5 before [2] 4/3 8/3 behind [1] 9/2 being [1] 6/17 belong [1] 6/19 below [1] 8/13 benching [3] 7/20 7/20 7/24 Benjamin [2] 2/16 11/24 between [1] 5/18 board [1] 10/24 bottom [1] 7/18 brief [1] 3/12 bring [1] 6/16 brought [1] 10/24 building [4] 2/15 3/11 7/18 8/5</p>	<p>commission [3] 4/4 6/18 12/20 commissioned [1] 12/7 Computer [1] 12/8 Computer-Aided [1] 12/8 concern [1] 7/9 concrete [1] 5/19 consensus [1] 6/18 consider [1] 7/12 consistency [1] 8/5 consistent [2] 7/17 8/16 construction [1] 10/3 contour [1] 7/10 contract [1] 12/15 corner [2] 8/22 9/7 correct [1] 12/9 could [1] 7/7 council [11] 1/2 1/13 2/2 2/3 3/2 3/4 3/16 10/12 11/9 11/24 11/24 counsel [1] 12/12 counts [1] 7/6 COUNTY [1] 12/4 couple [1] 7/15 course [6] 3/19 4/22 5/21 6/3 6/9 8/10 court [2] 1/24 12/14 creating [1] 5/7 current [3] 7/14 8/16 9/8</p>	<p>easements [2] 5/17 5/21 easily [1] 5/22 electrical [1] 6/8 employee [1] 12/12 Engineering [1] 2/12 entertain [1] 11/10 entirety [1] 4/10 essentially [7] 4/19 5/2 6/6 7/21 8/6 8/14 9/16 establish [1] 5/1 event [1] 12/12 everybody's [1] 3/25 example [2] 4/21 7/5 examples [2] 7/20 8/22 exceed [3] 7/25 8/15 9/5 exceptions [3] 4/21 5/8 8/13 excuse [1] 9/14 existing [1] 5/14 expense [1] 5/25 expires [1] 12/20 Explained [1] 10/13</p>
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