

RECORD OF PROCEEDINGS

Minutes of

COUNCIL OF THE CITY OF NORTH CANTON

PUBLIC HEARING

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held Tuesday, May 27, 6:50 p.m. 20 03

CALL TO ORDER:

The public hearing was called to order at 6:54 p.m., Tuesday, May 27, 2003, by President of Council Jon Snyder.

Council members present for the public hearing: Foltz, Kiesling, Lindower, Magel, McLaughlin, Osborne and Snyder. Also present were: Mayor Rice, Director of Administration Held, Director of Law Batista, Director of Finance Herr, City Engineer Benekos and Clerk of Council Bittle.

Mr. Snyder: This hearing is in regard to a petition requesting the vacation of a portion of Alley No. 37 located within the corporate limits of the City of North Canton from a point at the South line of Lot Number 44, North to the South lines of Lot Numbers 5903 and 5929, for a distance of approximately fifty-five (55) feet. A petition for the vacation of Alley No. 61 located within the corporate limits from a point at the North line Lot Number 606 to the South line 6488 and 6489, for a distance of approximately ten (10) feet. The Planning Commission, at its May 7, 2003 meeting approved said petitions filed by St. Paul's Catholic Church to vacate said alleys and a portion of Alley No. 37 and that of a portion of Alley No. 66. Final action pursuant to this will be taken by the Council of the City of North Canton subsequent to the date and time of this public hearing. Chairman Magel.

Mrs. Magel: Yes. There's a correction ..., a portion of Alley No. 61.  
Mr. Snyder: Okay.  
Mrs. Magel: You said 66.  
Mr. Snyder: Oh, I beg your pardon. Inaudible... the minutes will so reflect.

Mrs. Magel: Alright. First of all, is there anyone here wishing to speak on behalf of this vacation?

Ray Shanabruch: 809 Lucille SW, North Canton. I'm on the Building Committee at St. Paul's Church in North Canton. We've asked for both these vacations in the midst of our building project. The Alley No. 61 in fact is going to be in the area of the building that we will be constructing. And we are in the process of getting a building permit. I apologize, we were somewhat slow in getting after the alley vacations, so we've kind of made this an emergency for you. I hope you'll forgive us for the oversight on our part. But it is all part of taking care of some cleanup on the alley that was behind Bob's music store and on the other side. We probably should of done these years ago.

Mrs. Magel: And the other alley, you got permission from the woman to ...inaudible...

Mr. Shanabruch: Right, we do. And in fact Father Jay has talked to her also about her tree in the corner back there and I think we're probably going to take it down because she considers it a nuisance.

Mrs. Magel: Which she is very happy and that's fine as long as it's being taken down for her and she doesn't have to do it. She has no problem with it.

Mr. Shanabruch: Yea, there's has no - it's convenient for both of us if we do it.

Mrs. Magel: That's correct.

Mr. Shanabruch: Thank you.

Mrs. Magel: Thank you. Anyone else speaking on behalf of this? Anyone speaking against the vacation? Yes sir.

Gary Fisher: 404 Winston Street, North Canton. I'm representing Zion United Church of Christ. And I guess our only concern and I'm not familiar with the specific lot numbers, but our biggest concern is we have a parking lot on the north side of our church which is between United Church of Christ and Zion - St. Paul's. We have a parking lot there and on the west side of the parking lot, which comes right out onto this alley, we just want to make sure that we will be able to turn left (south) and pass behind our church for an exit to that parking lot. And I think that's our only concern. And we just want to hear someone say that, yes, our right of passage on that alley is okay.

Mr. Batista: I've got a plat up here if you want to look at it.

Mr. Fisher: Yes. Do you want to see this Eli?

(Mr. Fisher approached dias to review plat)

Mrs. Magel: This is concerning the 55 feet.  
Unidentified: No, this is something else.

Mrs. Magel: Inaudible...37... Jim, do you have any comments?

Mr. Benekos: I have no comment.

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Mrs. Magel: As to yes or no?

Mr. Benekos: Inaudible...

Mrs. Magel: Are you done and satisfied for the record?

Mr. Fisher: Yes.

Mrs. Magel: Thank you very much.

Mr. Snyder: Here's a copy gentlemen if you'd like a copy of that for your file.

Mrs. Magel: Alright then that would conclude this. I would like to tell council that the Alley No. 37, it's 55 feet. You can see like a little lightening and that's where that is. That property is owned by St. Paul's and they're asking - and St. Paul's is asking for it to be vacated. The other one is right across just about parallel to it ... dark line in there and that one's 10 feet. And anything to the north of that was already vacated anyway. If that's correct, Jim?

Mr. Benekos: Yes.

Mrs. Magel: And anything south to it will not be vacated unless - I requested that Mary Louise contact those three to four homes and she did. And I thank you Mary Louise. And they had no problems. So therefore, I would recommend this. On the subject of the emergency, I am a little concerned about that. But at this point in time since there's all the signatures and it's all the same and if we want St. Paul's to get started, then I recommend we pass this on an emergency this time. Any questions from council?

Mr. Osborne: There's no ...inaudible...? You know I know when it comes to zoning issues and stuff, I wasn't real sure we could do this on an emergency.

Mrs. Magel: I believe - Mr. Law Director.

Mr. Batista: You can put an emergency clause in it. Inaudible...discussion...

Mr. Osborne: Okay.

Mrs. Magel: Ordinarily I would never do this on an emergency. Plus ... the fact that it wasn't advertised. But I can tell you I personally knocked on doors. Inaudible... to get my information that this was done correctly. And the one and only one person who's affected other than St. Paul's, was very happy. And as I said she's more than happy - wanted that tree cut and she's fine with this. That concludes this public meeting sir.

Mr. Snyder: Alright, then at this time I will adjourn upon a motion...

Mr. McLaughlin moved and Mr. Foltz seconded to adjourn the public hearing. All members present voting:

Yes: Foltz, Kiesling, Lindower, Magel, McLaughlin, Osborne and Snyder.

No: 0

PRESIDENT OF COUNCIL

ATTEST:

CLERK OF COUNCIL