

Held Monday, April 21, 6:45 p.m. 20 03

CALL TO ORDER

The public hearing was called to order Monday, April 21, 2003 at 6:45 p.m., by President of Council Jon Snyder.

Council members present for the public hearing: Foltz, Kiesling, Lindower, Magel, McLaughlin, Osborne and Snyder.

Mr. Snyder: The purpose of the hearing is to receive testimony on the vacation of Alley #4, a 14 foot wide alley running west from Foster at approximately 500 feet. The Planning Commission at their February 12, 2003 meeting voted unanimously to approve the vacation. Final action on this will taken by Council after the subsequent date of said public hearing. Is there anyone in - Mrs. Magel is not here. Is there anyone in the audience wishing to speak in favor of the vacation of the alley? Is there anyone in the audience wishing to speak against the vacation of the alley? Mam, please step forward to the microphone, state your name and address for the record.

Eileen Ehrlinspiel: My name is Eileen Ehrlinspiel. And I would be on the right of way where the oak tree is located. And the city has never done...

Mr. Snyder: Mrs. Ehrlinspiel, would you mind just reading into the record your address so we have it.

Ms. Ehrlinspiel: Oh, it's 304 Fairview Street SE.

Mr. Snyder: Thank you.

Ms. Ehrlinspiel: In all the years I've lived there, there's been no maintenance on the tree by the city. And now it's in poor condition and I don't feel I have the money to maintain the tree. And I've talked to the city on several occasions and I've gotten no response. So that's where I stand on the issue.

Mr. Snyder: So in other words your issue is not the vacation of the alley, but it's the maintenance of the...

Ms. Ehrlinspiel: It's maintaining the tree.

Mr. Snyder: in other words when it was...

Ms. Ehrlinspiel: And I don't want the responsibility.

Mr. Snyder: when it would be vacated, it would become 50/50.

Ms. Ehrlinspiel: Yes.

Mr. Snyder: That's correct, on each side.

Ms. Ehrlinspiel: So that's my position.

Mr. McLaughlin: Can I ask her a question?

Mr. Snyder: Sure, please.

Mr. McLaughlin: Can I ask you a question?

Ms. Ehrlinspiel: Yes.

Mr. McLaughlin: I didn't see the tree, but is it rotting out? Is the tree..

Ms. Ehrlinspiel: There are limbs that are dying and there's been some - I've noticed some black ants in it. So it's never been taken care of. I mean it's just sitting there and two members of the council...

Mr. McLaughlin: Okay...

Ms. Ehrlinspiel: have told me they would come over and check it and I've never had any response. So that's my position.

Mr. McLaughlin: Thank you.

Mr. Snyder: Mam, thank you very much. Sir, would you like to speak? Please step forward and state your name and address for the record.

George Takacs: My name is George Takacs. I live at 323 Edgewood Street. I also border that tree. That - I went out and measured that tree today, it's almost fifteen and a half feet in diameter - it's close to sixty feet tall. I don't know if there's a tree in North Canton as large as that tree. That may be something for North Canton to look into for itself. My garage sits underneath it and like she says, it does need trimming, and I've lived there since 1974 and they have never touched it, and there's a few limbs up there that put my garage in jeopardy. So I think they ought to look into this tree to see if this tree is worth saving as maybe a historical thing for the City of North Canton. Thank you.

Mr. Snyder: Thank you sir, appreciate that.

Unidentified: Take a look at it.

Mr. Snyder: Is there anybody else would like to speak this evening? Please step forward, state your name and address for the record.

Unidentified: Well I don't live there on that street.

0193
RECORD OF PROCEEDINGS

Minutes of

COUNCIL OF THE CITY OF NORTH CANTON

PUBLIC HEARING

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held Monday, April 21,

20 03

Mr. Snyder: Alright. That's alright sir. You can give your own address, it doesn't make a difference.

Unidentified: Okay, 836 West Maple in North Canton.

Mr. Snyder: Okay...

Unidentified: I was under the impression that that was going to be stopped, that there was - not going to vacate that.

Mr. McLaughlin: We're going to vote on it tonight.

Mrs. Kiesling: No.

Mr. McLaughlin: Oh we're going to - it's going to into committee and everything else like that..

Mrs. Kiesling: We're going to talk about it...

Mr. McLaughlin: Talk about it. And then council will decide whatever. It's not - this is just a public hearing to get the input of the people and...

Unidentified: Yea, because I was under the impression that there was some signatures - our letter said on amount of people that was against that being vacated.

Mr. Snyder: Well sir, the procedure is like this, if the people - the residents of the contiguous alley or street to be vacated petition the Council and then it does that way. The other way it can be done is by charge of the Council to the Planning Commission. In this particular case an order went from the Council - there was a request of one of the councilmen to vacate the alley. The request went to the Planning Commission, they heard public testimony on that and felt there was significant merit to vacate the alley. They send it back to Council, Council holds this public hearing and then determines, on the committee, which is represented - the Street and Alley Committee, will determine at that point if there merit to go forward and then it would be written, then there'll be another vote on it - it would be - the first vote would be next Monday night. But that's how we ended up here.

Unidentified: Okay. Inaudible... thank you.

Mr. Snyder: But no sir, those petitions are filed. I think all councilmen got copies of them.

Unidentified: Okay, thank you.

Mr. Snyder: Thank you. Yes sir.

Unidentified: May I speak?

Mr. Snyder: Please.

Mrs. Magel: Inaudible...

Unidentified: I also wanted to mention that Eileen, my neighbor in back, has no more access to her backyard as she used to bring mulch in that way all the time. Once this is vacated and someone could put a fence up, it would stop anybody, you know she couldn't get anything back to her backyard. She loses all her access that she's had for all these years. I'd like to think...

Mr. Snyder: Well that was my original understanding. I don't have no way to document it. Originally the alley was put there to load coal into that home sometime when it was originally put - as I was told that was the purpose of the alley to gain accessibility to one or two of those homes in the back part there.

Unidentified: I was unaware of that, but I just noticed that will happen to her.

Mr. Snyder: I appreciate that. Anyone else wishing to speak this evening. Are there any questions of the council?

Mr. Osborne: I think Mrs. Moegling would like to speak. Mrs. Moegling, would you like to come up and speak?

Mr. Snyder: Please Mrs. Moegling, come forward and speak. State your name and address for the record.

Mrs. Moegling. My name is Reba Moegling. 328 Fairview Street. And I don't think there's any need to vacate that alley. I've lived there - I've had that lot for 50 years, nobody's ever done anything. And I just think it's not necessary. We've kept it mowed and if the city wants it back they can have it, but I don't want it.

Mr. Snyder: Thank you mam. Is there anybody else in the audience with any comment? Are there any comments of the council members?

Mr. Osborne: I'd just like to make a couple comments here. This is a process that was brought to me a year ago. There's some elderly residents that would like to reclaim their driveway actually. I have pictures here if anybody on council would like to see it, but the driveway is actually their driveway. And they would like to make some improvements to the driveway so they can concrete it to make ingress and egress out of their cars. There's an incline on each side of the driveway and it's very difficult to exit and enter your car. In addition they'd like to improve the driveway surface so they can snow blow the snow in the winter time - it's presently pea gravel. As I've described this, this is an alley that's never really been an alley. The west - I'm sorry the east end has never allowed exit or entry into the alley. The west end

RECORD OF PROCEEDINGS
COUNCIL OF THE CITY OF NORTH CANTON PUBLIC HEARING

Minutes of

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held Monday, April 14 20 03

has this huge oak tree - it's got to be a very historical tree. I would like to see the city take ownership of this tree and us evaluate it, prune it as necessary and preserve this tree. I've been waiting for someone to come and date it and evaluate it. They've deferred and they'd prefer someone more experienced look at the tree. This request originally started out just to be a partial vacation, but I was strongly encouraged by the Law Director as I recall - actually he used to live right on that alley, probably 30 years ago, and he encouraged me that you know if it was going to be vacated we need to vacate the entire alley. Whether it's a partial vacation or however it's gone about, it will solve the original attempt to allow a family who has lived there in excess of 50 years to take ownership of their driveway which technically has been an alley. Given if the city does proceed to do a partial vacation, I had addressed several questions to the Law Director. But first before I list these questions, there was some concern in the area that taxes would go up substantially. I believe the ward councilman miss spoke in this telling people it would be 25 to 50 dollar increase. I went down and talked to Janet Weir Creighton's office, had them evaluate the largest lot on the alley and based on the largest lot the most the taxes would go up is less than \$2.50. So the vacation of the alley will in actuality allow people to legally take title to property they've been using for 10, 20, 30, 40 years. Some of the questions I proposed to the Law Director are: What are the liability issues to the city if the remainder of the alley remains as a public right of way with no maintenance or care from the city, as has been the case for many years? Second question - What kind of precedent is being set given that private individuals have fenced in the property that is dedicated as a public right of way for the purpose of serving as an alley. And then thirdly, given that many of the abutting property owners have encroached on the alley property with fencing for many decades, is it in the best interest of the city to let this situation continue? Except for the two individuals that spoke before council here, there's really only one down side to vacating the length of the alley that has been proposed, and that's with this historical tree. I, myself, and I don't think anybody on council would want to assume liability and responsibility for the tree, maintenance of the tree. And I would like to see the city take ownership of it, protect it - it is a historical tree. That tree blocks the western entrance to the alley. So there is no entrance to the alley except from the first two lots on the west end. So that's about all I have. I believe everybody got this letter when I sent it to the Law Director April 1st. I have yet to receive a reply from the Law Director. So I don't know what his responses would be. And attached to that I had a letter from Janet Weir Creighton's office attesting to the fact that the taxes will be very minimal. Thank you.

Mr. Snyder: Thank you.

Mrs. Magel: Mr. President...
 Mr. Snyder: Madam...
 Mrs. Magel: I have ...inaudible... comments, but I will until the committee.
 Mr. Snyder: That would be fine.

Mrs. Magel: I apologize for being late. And thank you for taking over.
 Mr. Snyder: It's my pleasure Mrs. Magel. Thank you. Mr. McLaughlin, anything...
 Mr. McLaughlin: I'll wait until we get in the committee meeting.
 Mr. Snyder: No other comment? At this time then I will adjourn the public hearing at 6:59 p.m.

PRESIDENT OF COUNCIL

ATTEST:

CLERK OF COUNCIL