

RECORD OF PROCEEDINGS

Minutes of

COUNCIL OF THE CITY OF NORTH CANTON

PUBLIC HEARING

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held Monday, June 19, 2006 6:45 p.m. 20 06

CALL TO ORDER:

The meeting was originally called to order at 6:47 p.m. by President of Council Doug Foltz. Roll call was taken, then technical difficulty was experienced, and at 6:52 the public hearing was again called to order.

The following members of Council were present for the public hearing: DeOrio, Foltz, Hines, Lane, Magel, Repace and Snyder. Also present were: Mayor Held, Director of Administration Wise, Director of Law McFarren, Director of Finance Herr and City Engineer Benekos.

Notice is hereby given that a public hearing will be held by the Council of the City of North Canton on Monday, June 19, 2006 at 6:45 p.m. in the Council Chamber at North Canton City Hall.

The hearing is with regard to a proposed amendment to Section 1107.03(c) and 1107.03(e) OPEN SPACE of the North Canton Zoning Ordinance.

The Planning Commission, at its May 3, 2006 meeting, recommended that the following definition be used for open space:

1107.03 (c)

The preliminary plat shall indicate the location and the intended use of the public open space. The preliminary plat shall be presented to North Canton City Council the same time as it is presented to the commission. Council shall approve the preliminary plat concerning the location and intended use of the public open space before the commission approves the same.

1107.05 (e)

a. Public Open Space: Whoever subdivides under this chapter shall provide public open space to be dedicated to the City. A minimum of two point five (2.5%) percent of the gross area to be subdivided shall be provided to be dedicated as public open space. Public open space must be of usable size and shape for the intended purpose as determined by Council, and must be fully accessible to the public. Public open space shall be one parcel within the entire subdivision and be wholly located within the City of North Canton. Public open space shall not include public street right-of-way, private street pavements, walking paths, public utility easements, detention/retention basins, wetlands or any unusable space for development, structures or facilities intended for common recreation use such as pools, clubhouses, picnic shelters, play equipment and similar features, parking areas, required setbacks, required spacing, easements, and private yards.

b. Open Space: Whoever subdivides under this chapter shall provide open space in addition to public open space. A minimum of two point five (2.5%) percent of the gross area to be subdivided shall be provided as open space. Open space is property set aside within the gross area to be subdivided and is not dedicated by the City. Retention ponds and detention ponds can make up half of this open space requirement.

Final action thereon, according to law, will be taken by the Council of the City of North Canton subsequent to the date of said public hearing.

Mr. Foltz: We're calling a public hearing to order here for open space. At this point, this OPEN SPACE definition has been really involved in the last two years. A lot of people have put some hard work into this – and back and forth to Planning Commission. And I'm looking for public comment at this time. Anybody here who would like to address Council about Public Open Space, please come up. We have someone here who'd like to address Council on this. So, state your name and address, please.

Ms. Baughman: Miriam Baughman, 320 Weber Avenue, North Canton. Before I start, I have two questions. I thought in the original definition that there was a acreage – like a minimum of ten (10) acres. There's no acreage mentioned here as to when this goes into effect.

Mr. Snyder: That is a correct. It is a minimum –

Mr. Foltz: Minimum of ten (10) acres, I think.

Mr. Snyder: Minimum of ten acres. That's correct.

Ms. Baughman: And where will that be documented?

Mr. Snyder: Well, we'll have to make sure that gets put in there, but it came over the recommendation of Planning Commission. It went over recommending a minimum of ten acres, and it was returned to us with the same suggestion. So, we will make that note prior to the adoption next week. Thank you for that, Mrs. Baughman.

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Ms. Baughman: Okay. Then I have another question. It says here that at the same time the Planning Commission gets the preliminary plat, the Council also does. What happens if the Council approves it and the Planning Commission does not?

Mr. Snyder: Mr. President, may I speak to that?

Mr. Foltz: Sure.

Mr. Snyder: The purpose, Mrs. Baughman, as you know, is – had that placed there to protect. Sometimes the Planning Commission, it was thought, is an appointed body versus an elected body. And we have – presently, it takes a supermajority – at least six (6) to overturn. So, we felt that at that point we could send a message along with it that if we had seven (7) positives or six (6) positives, that they would understand. That's the purpose of that. Because, before, sometimes, when they looked at it, we've ended up, as you know, different places – not only with the corporate limits of North Canton, but other areas – through development where there were other things besides open space that have slipped by and have not been addressed. So, this is an attempt to tandem what will happen with development. That was really to protect – I believe that was at your suggestion, if I'm not mistaken. I apologize. But that's why that was put there.

Ms. Baughman: That's okay. Okay.

Mrs. Magel: Miriam, the following line says it goes to Council and it goes to the Commission at the same time. Now, the Commission has to do other things with it.

Mr. Foltz: Indicating yes.

Ms. Baughman: Right.

Mrs. Magel: But the following line says Council shall approve the preliminary plat concerning the location intended use of public open space before the Commission approves the same. Okay.

Ms. Baughman: Okay. So, if Council approves the open space part, then Commission cannot change it?

Mr. Foltz: That would be my interpretation of this. Because I have been in all those meetings with you, worked on the subcommittees with you, and I think, to my knowledge, what those Planning Commission meetings – they wanted Council to decide, bring it back. And they were gonna work with everything else. I think that was the intent.

Ms. Baughman: Okay. Okay. I ask for everyone's vote to accept the definition of "open space." This definition is the result of many meetings, a lot of thought and compromise. The definition is fair to both the developer and to the residents. Everyone's a winner, as the five percent (5%) open space is equally divided. Developers can use their two point five percent (2.5%) for retention ponds or for whatever they want. The City will get a small park with their 2.5%. The developer will also benefit from the City's 2.5%, as a neighborhood park will be a selling point for future homes.

Mr. Foltz: Appreciate your comments and all your hard work on this also. Anyone else like to address Council on the public hearing for open space? For or against? Anybody else? Okay, with that, I guess we'll adjourn the public hearing.

ADJOURN:

The meeting adjourned at 7:00 p.m.


PRESIDENT OF COUNCIL

ATTEST:


CLERK OF COUNCIL