

RECORD OF PROCEEDINGS

MINUTES OF JACKSON TOWNSHIP BOARD OF TRUSTEES MEETING

APRIL 14, 2008

Pizzino called the meeting to order at 5:00 p.m. at the Jackson Township Hall with all Trustees, Fiscal Officer, Lyon, Boger, Neftzer and Heck present.

Work Session

ATTACHMENT 04/14/08 A

Fulton/Wales Streetlights

Rich LaRocco introduced Brian Phelps the National Sales Manager for Union Metal.

Mr. Phelps gave a presentation that showed the different types and styles of poles that Union Metal has made. There was some discussion regarding the traffic light poles that are already on order but there were no figures available at this point on what the restocking fees would be. Mr. Pizzino requested costs for the different designs before any decisions were made.

Mr. Gonzalez reminded the Board that a few years ago lighting districts were limited to using lights sold by the electric companies because of the maintenance. He said they hoped to bid out the maintenance.

Mr. Phelps said they have a developer line that has a version of the poles that are sold to utilities and developers.

Mr. Gonzalez said that once the Board decides which direction to go on Fulton and Wales, then they look for one that's a matching, smaller version for the residential area.

Mr. Pizzino asked Mr. Phelps to provide prices for the poles and what the additional amount would be for each accessory.

ATTACHMENT 04/14/08 B

Fire Levy

Heck: Good evening, gentlemen. The items tonight were to take a few minutes and look at budgetary items regarding the fire department and what are we going to do with the levy that is eligible to be put on the ballot in November of this year and must be acted on by November of next year. I know I supplied the Board with projections through 2014 which is the extension of a five year levy. In regards to, at least, expenses, I know the Clerk put dollars together and extended those to the Board, also. It's a little scary, I think we were within \$150,000.00 of each other on dollars that were there, working independently. Although there are a couple

discrepancies that need to be addressed, one if you look at the lower right hand, bottom line of the, I guess, D column and sophisticated items. If you look here, at where we're starting to address the dollars left at the end of a budget year. We need to remove about \$205,000.00, and I would even say probably, \$350,000.00 from that because of unencumbered money that wasn't counted in that evaluation and that's what Randy has out there. Also, some additional dollars that didn't carry through for whatever reason, we spent more money on fuel, insurance and expenses that went out to the stations than was reflected in these columns up here. But I think what the Board is interested in is this area right here. And if you remove \$250,000.00 to \$300,000.00 from those, you'll start to find that, I think this is 2014 in Randy's, we're already \$700,000.00 in the hole.

Gonzalez: I'm going to lower those dates so we can all see them.

Heck: Yes, I was going to say can you pull those down it would help. We would actually, in my figures, 2012 run out of dollars. In his, we're coming down to 2013 we would be out of dollars but it's my take that we're going to be out of dollars by 2012. No capital purchases done that we need to do outside of what we've already acted on budgetarily this year.

Gonzalez: The difference is in 08, Jamie I talked to you about this today, there's \$200,000.00 roughly, \$205,000.00 encumbrances from 07 that went into 08 that haven't been spent yet. So that \$205,000.00 is actually out there. Assuming they're going to spend all of those and you let them all go through, they need that last number there, you'd add \$205,000.00 to all of them across the board.

Heck: And we've also put dollars in other expenses and this year we didn't. If you look at my proposal to the Board you'll find I didn't put any of those through the remaining seven years of dollars. If we did this year and next that are currently this levy and then you look at the next five years of however we do the next levy, you'll find I did not put any discretionary expenses in there whatsoever. And we've always put \$100,000.00 to \$150,000.00 in there to cover things that come up. Like this year we did the ramps down at Station 2, we did some distant learning lab purchases, things of that nature that came from those types of dollars. Those dollars are not there in future budget years. I haven't allocated those. Which still makes me quite concerned by 2012, you're going to be out of money. And again, no purchasing. I did give the Board a projection through 2014 of some major capitals that included 2014 of Station 6. You can pull that off, pull \$1,000,000.00 - \$2,000,000.00 out of the proposal I had, but we're heading exactly toward 2014 the same as we headed toward 2000, without Station 5 in place. You're going to be 2,000 to 2,500 calls ahead of where we were when we built Station 5. At that time we were starting to tie up all four companies and we'll do the same thing here by 2014. I know we've had discussions in the past where I kept telling the Board members don't get excited about building six this year or next, put it out there and where I had it was out at 2014 but if we don't put any money aside for that, it's not going to happen. We're not going to be able to replace Engine 4 which is proposed for 2013 and the dollars there with it, there is a requirement that first run equipment be twenty years or less. We're already over that with our tower and we're hoping to do that this year. And that's a very expensive piece of equipment. And that all impacts both on our standards with the Industrial Commission in regards to the insurance classification for the Township and we need to take a look at just how those dollars are going to pair out. We did a

three year renewal in 1996 and I projected we'd be a million and a half in the hole at the end of that time. I missed it by \$500,000.00, we were \$2,000,000.00 down. The only thing that saved us was an inheritance and that allowed us to do Station 5, it allowed us to start replacing our apparatus that we needed to and I'm just waving that flag out there to the Board that the same thing is going to come down that trail that if we can't put dollars aside to allow us to be prepared for those needs, six, seven, eight years out, we're going to be in trouble.

I think the Board did a very good job in 2000 in looking ahead the ten years, we've been very fortunate to stay close to that projection that we proposed and I think that nothing's going to change. The things I look at in the future are what happened to us in the past. And exactly where I felt we would be, we were. And I think we need to be prepared. I as a taxpayer, and I pay plenty of property tax, not excited about paying anything more, but I think a replacement levy and allowing us to prepare and move ahead and handle the things that are going to come at us in the next eight years is really in the long run, cost effective to us and would actually save us money. In 1999, we were looking at having our existing levy go back out and possibly be replaced and at the same time add a mil to try to cover up the deficiencies we had for capital needs and again as I said we were fortunate to end up with an inheritance dollar that allowed us to move ahead. But again no crystal ball to look ahead to find out what's going to happen there with the legislators are going to do with that dollar amount, if that will even be there. Personal property tax is slowly ebbing off and we've been fortunate to have some dollars that were extra to us because we passed that 6 mil levy to make up for the loss of those dollars and we've used that to help plan ahead for what our needs are going to be. But I'm afraid that the Board will be in trouble by 2013 on things that we need to look at if we don't put dollars in place. If we don't do that and you elect to do a renewal you almost need to do just a two year renewal and that's going to wipe out again most of your dollars that you have and it will leave you with nothing to step forward with. Turn out gear, our turn out gear right now is eight years old, and if you notice it's going to be 13 years old before we replace. Equipment now costs \$1,900.00 an outfit. We really should have a second set of turn out gear for our personnel, we don't. We've tried to do that on grants and haven't been successful.

By 2013, I don't know what our equipment will be like but if we don't have any money set aside for it, there's going to be dollar needs there that will haunt us. I just don't think it's going to be successful for continuing the type of operation that we've had for this community in the degree of service I think we've had. I know the Board is up against a lot of pressure in regards to property tax, the residents of this community have spoken loud and clear about property tax on a lot of issues but I think I would be negligent if I didn't make the Board aware of where I think we will end up at if we don't address this issue straight on and that would be replacement levy allowing us to work for five years and put money aside. Maybe if inflation stays where it is, the end of those five years, we would be able to do a renewal for a few more years. It would give us some dollars to get where we need to be. But I don't see anything changing in this community in regards to service. If you look at our annual report the calls, that increase, are going to continue to increase. I smile because I remember Mr. McCormick in 1973 saying we pretty well are done growing and I think things have changed a little in that time period and he was, I think, a futuristic person, looked down the road at things. I just don't think this Township is going to slow down. The economy slowed us down some but our demand for services are still continuing to increase at the rate they have for the last 15 years and I feel that probably EMS calls are going

to increase more that ever because of the aging population that we have that we need to serve. Randy, do you have anything to.

Gonzalez: Well, the one thing I wanted to point out, if you take a look at this one line, the levy fund here, it's kind of hard to read there, you can see I've been harping about this for a long time, in 2011 you can see the decrease in our levy, it goes from \$7,900,000.00, drops to \$7,700,000.00 until it gets to 2014, where there is \$300,000.00 or \$250,000.00 cut there. That is the loss of personal property tax that we keep saying they're taking away from us and yet still no legislator that I know of has come up with a way to make that up yet. So that's part of the problem in itself that it's decreasing.

Pizzino: The figure you're showing us, Mr. Gonzalez, is \$794,000.00, roughly about \$800,000.00 if we go with a five year renewal. And that's if.

Heck: And you need to add another \$200,000.00 to \$250,000.00, \$300,000.00 to it.

Gonzalez: That's about \$200,000.00, if he spends the encumbrances that are out for this year, it would be \$200,000.00 more.

Pizzino: Okay. What I'm saying is if and, if I had my crystal ball I could answer my own question, but if the State would do something and made this whole for the money they've taken away, if you look in \$7,930,000.00 and we're losing roughly, Chief, by your figures about \$330,000.00 a year, is that what you're looking at?

Heck: The dollars continue to increase that we lose.

Pizzino: Right. If we would have that, the best we could do is break even.

Gonzalez: Right.

Pizzino: But it's still, my concern and it's everybody's concern is, and, again, we don't have a crystal ball and we're trying to look out for our residents especially our elderly residents and the people on fixed incomes, but we also, we provide, probably, the best service, I believe, not only in Stark County but in the State of Ohio. We do not want to back up and I guess the only concern I have is basically, and Randy, you don't have this here, is how we make up that capital improvement fund.

Gonzalez: There's

Pizzino: I'm not really too concerned about this last number, this million dollars, but hopefully, the State will do something. If they don't, we're in trouble.

Gonzalez: There's nothing out of the whole of Ted's budget, he's showing \$3.9 million in capital improvements. The budget currently is down in the lower left corner and all there is for Capital improvements. That would be all he would be able to buy out of that \$3,900,000.00.

Pizzino: But a million of that is going for your ladder this year, right Chief?

Heck: That's correct.

Gonzalez: Well, if you use that then you're down, you couldn't buy an ambulance. You're at \$75,000.00. I'm not saying this is the budget, I'm saying these are the hard, cold numbers. You have to decide where you're going to go.

Pizzino: Well, we were going to go for a million dollars but we're assuming it's going to be eight, nine (indecipherable).

Heck: Yes. It will be \$850,000.00 to \$950,000.00, somewhere in that area.

Gonzalez: There's nothing in there for capital other than that fire capital project fund which is \$1,075,778.00.

Pizzino: When you rebuilt ladder 17, what two or three years ago.

Heck: Tower one?

Pizzino: Yes. Tower one. Did we go over just the frame part of it or did we go over the whole truck?

Heck: What we did was rebuild hydraulics on it. If we wanted to rebuild that truck, we could probably put a glider kit under it in the neighborhood of \$600,000.00 and I think you have to make that decision. Do you spend \$600,000.00 or do you spend \$900,000.00? We're supposed to have two and a half ladder companies, we actually we bought a half a ladder from Plain because Plain runs an automatic with us, we get half a ladder for engine 4 and that gives us two, we're still short a half a ladder. We would obviously move this ladder to reserve status, they'd give us credit for it.

Pizzino: Then how does Canal Fulton do it, Chief?

Heck: They don't. They want a ladder. We're running an automatic with them with our tower.

Pizzino: So they get credit for half of a ladder.

Heck: They don't get credit, really, they just realize they have to have something there and that's why we've agreed to run automatic in their commercial districts with them.

Pizzino: Well, gentlemen, you have the figures, I'm sure you're going to have to go over them. You've heard what Chief Heck is saying and you heard what Mr. Gonzalez said.

Gonzalez: That last sheet I passed out I wish I had on the computer but I don't, it is the comparisons of replace versus renewal. And a \$175,000.00 home, the average home in Jackson

Township, it would be a \$26.26 tax increase. The part that's kind of alarming, even if you did replace this, it's only an increase to the department of \$676,000.00 a year.

Heck: It will make up for the shortfall.

Gonzalez: In the last year it wouldn't. But you'd have a larger carryover, you're right.

Pizzino: You could do it for five years.

Gonzalez: The increases, like I said, \$676,000.00 is what it would be.

Heck: We obviously would have our work that we need to get out and make sure citizens understand what's going on, what our needs are what the purpose is, the fire service is an operation, there's no question about that. And it's expensive to maintain it and maintain the service level that we want to but we obviously provide that 4 minute 30 second response time to the citizens out here, we put medics at their front doors in that time period, we put an engine company there, it's reflective in the insurance rating for the community, we are a class 3 throughout the whole township. Hills and Dales went to a class 2 in the last evaluation that we had done, that reflects dollars savings to the property owners, at the same time it reflects the type of service that's coming to them. And for a township to do that is extremely difficult. And for us to maintain that we have to work hard. We have to challenge our staff to work better at things, to help us maintain that. I think that's crucial.

Gonzalez: When we talked earlier, Chief, you mentioned if you did replace this time you felt you could go the next time with a renewal?

Heck: If the economy stays where it is and again it's that crystal ball, and I lived through the time period when we had 14% inflation a year, and what it did to the department, but if we're able to continue down the road that we have and what we've seen the last 10 years, I feel comfortable that we would have the dollars necessary to allow us to expand our services and have the dollars in the bank that, if not for five year renewal, we could probably do a two or three renewal at that point. We just went too soon in 1996, that should have probably been something considered in 2004, 2003 and we played catch up trying to get there and the salvation, again, was the inheritance tax we had. If we hadn't had those dollars, Mr. Gonzalez, you're well aware of where we were at that time with the budget and what was happening, we were starting to sweat pretty heavily. The potential we're going to have to go out and get another mil, mil and a half on the books for the fire service and it just, we were fortunate to receive the dollars that we did. And that happened in 1968 when we were able to expand the fire service to Station 3 and 4, we were able to start our police service out here. But if that happens every 30 years, we have 25 years to be concerned about.

Gonzalez: And actually to the Chief and the Board's credit when you look at this, now this really did work the way it's supposed to work, I mean if we didn't save money and put money into a savings account, the fire reserve balance, when you look at \$500,000.00 being brought in from that back in 2012 and \$750,000.00 in 2013, obviously, we would have gotten no where near that far out.

Heck: That's correct.

Pizzino: Okay gentlemen, if you would look over your worksheets, contact Chief Heck or Mr. Gonzalez and discuss this within the next three days, Chief?

Heck: I'd be glad to meet with any Board members and go down through that.

Pizzino: Indecipherable.

Heck: Try to look at it. And, again, I'm just trying to.

Walters: One question I have, Chief, several meetings ago when you first brought this up you had projected Station 6 building in 2017. Today you mentioned 2014, is there something?

Heck: The only thing that I did was go back and look at our runs that I hadn't really looked in detail at, at that time that was talked about. But I did go back and reconstruct our runs that we've had, where we're going to be. We were at 3600 and some runs at the time, well, really at 3500 and some runs at the time we started Station 5. We're going to be between 5600 and 6500 at the time this station would be started, in runs.

Pizzino: One of the (indecipherable), Mr. Walters, is the, you know, we're and again its, again we have no crystal ball but the city of Massillon and Jackson has been talking for a number of years about a joint fire station. Now we sent a letter off to, Representative Oelslager contacted us and said what he could do for us. Well the city and the chief, I believe, sent a letter also, we asked for \$1,500,000.00 for a joint fire station. So, you know, if that would come about, there's a possibility that we could realign the other fire stations, again, the Chief would have to make that call, I couldn't make that call, but we talked about that a number of times. There's a possibility we could realign the districts and possibly not put that station up there. But again it all has to do with (indecipherable). The economy starts getting better and that section of the township takes off, then we're going to have to do what we have to do. But you can keep that in the back of your mind, too. Now we should know something, when do you think, Randy, with Oelslager?

Gonzalez: The budget bill should be out in a month, I would think.

Pizzino: So if he could, it would be nice to find that \$1,500,000.00 if we could do that, but, again, the Chief and I we've had a number of meetings with them and to our best interest we going to do that. So if they come up with \$1,500,000.00, I would (indecipherable) our decision I think. But, again, that's the way they're cutting at the State level, I'd be surprised if we'd get the money out of them.

Heck: But its good planning like that that will help us work our way through different concepts, different ideas of how we could stretch our budget and if we're successful it will be beneficial for both Massillon and Township residents.

Walters: Yes, I spoke with Representative Oelslager about it this past week. You're right, Mr. Pizzino, the State budget is feeling the pinch just like we are but he seemed at least a little bit optimistic in the terms of that it's two communities trying to work together to provide a savings for both communities so, you're right, who knows if its going to happen but he has an argument for us, though.

Pizzino: It's just another factor we have to enter into this equation is all I'm saying. And, Chief, thank you, we appreciate it.

Heck: Thank you, gentlemen. I appreciate the Fiscal Officer's involvement, too. He spent quite a bit of time working with me on that.

At 6:00 p.m., Pizzino called the General Session to order with all department heads present. He requested that all cell phones and pagers be turned off at this time.

The Pledge of Allegiance was recited.

Public Speaks – None

Administration Department

Pizzino moved and Walters seconded a motion to re-schedule the May 26 Board of Trustees meeting to May 27 due to the Memorial Day Holiday. **3-0 yes**

ATTACHMENT 04/14/08 C

Walters moved and Burger seconded a motion to accept a donation of approximately 4,000 Life Pouches to the Township, with a value of \$5,177.44 (\$1.29 each), from Medical Mutual of Ohio. **3-0 yes**

ATTACHMENT 04/14/08 D

Walters moved and Burger seconded a motion to approve and authorize the Trustees' signatures on the attached letter in opposition to House Bill 431. **3-0 yes**

Pizzino said he asked Mrs. Lyon to prepare the letter. He explained that the bill was not fair to any government entity. Ms. Lyon pointed out OTA voted to oppose the bill as well.

Central Maintenance Department

ATTACHMENT 04/14/08 E

Pizzino moved and Burger seconded a motion to approve Budget Module No. 08-5 for access upgrade in the amount of \$4,849.50. **3-0 yes**

ATTACHMENT 04/14/08 F

Pizzino moved and Burger seconded a motion to approve the appropriation transfer request from account code 101.110.5387, Discretionary, to account code 101.115.5356, Equipment Repairs, in the amount of \$4,849.50. **3-0 yes**

Fire Department

ATTACHMENT 04/14/08 G

Pizzino moved and Burger seconded a motion to approve the appropriation transfer request form account code 210.210.5387, Discretionary, to account code 210.210.5448, Professional Services, in the amount of \$6,000.00. **3-0 yes**

Highway Department

ATTACHMENT 04/14/08 H

Pizzino moved and Burger seconded a motion to approve the appropriation transfer request from account code 204.310.5387, Discretionary, to account code 204.310.5396, Vehicle Parts/Repairs, in the amount of \$50,000.00. **3-0 yes**

Legal Department

ATTACHMENT 04/14/08 I

Pizzino moved and Burger seconded a motion not to request a hearing on the liquor license to Spee D Foods, Inc. dba Spee D Foods 35, 6215 Whipple Ave, N.W., North Canton, OH 44720. **3-0 yes**

Mr. Althouse was in attendance to answer any questions the Board may have had. There were no questions for Mr. Althouse.

Park Department

ATTACHMENT 04/14/08 J

Walters moved and Burger seconded a motion to authorize the hiring of Matthew Cheyney as a seasonal park maintenance worker (third year), through the temporary service, subject to a negative drug screen, at the rate of \$7.85 per hour, effective April 28, 2008, per the recommendation of the Park/Operations Director. **3-0 yes**

Walters moved and Burger seconded a motion to authorize the hiring of John Shell as a seasonal park maintenance worker (fourth year), through the temporary service, subject to a negative drug screen, at the rate of \$8.35 per hour, effective April 28, 2008, per the recommendation of the Park/Operations Director. **3-0 yes**

Walters moved and Burger seconded a motion to authorize the hiring of Matthew Marlett as a seasonal park maintenance worker (fourth year), through the temporary service, subject to a negative drug screen, at the rate of \$8.35 per hour, effective May 12, 2008, per the recommendation of the Park/Operations Director. **3-0 yes**

ATTACHMENT 04/14/08 K

Pizzino moved and Burger seconded a motion to approve the hourly pay rate schedule for seasonal, temporary, park maintenance workers and programming assistants, effective April 15, 2008, per the recommendation of the Park/Operations Director. **3-0 yes**

RESOLUTION 08-011, ATTACHED

Pizzino moved and Burger seconded a motion pursuant to ORC Section 125.04, we hereby adopt and authorize the placement of the Board President's signature upon the attached Contract with Kerry Chrysler Jeep Dodge, Inc. for the purchase of a 2008 Dodge Dakota as described in the Contract for a total amount of \$20,583.00 which the prices are listed in the State Purchasing Contract. **3-0 yes**

Police Department

ATTACHMENT 04/14/08 L

Burger moved and Walters seconded a motion to approve an unpaid leave of absence for Shelley Bender for the purpose of Family & Medical Leave, not to exceed her remaining FMLA balance. **3-0 yes**

Walters moved and Burger seconded a motion to accept a \$200.00 donation to Hooked on Fishing from Canton Floors, Inc. **3-0 yes**

Walters moved and Burger seconded a motion to accept a \$500.00 donation to Hooked on Fishing from Stark Commons, Ltd. **3-0 yes**

ATTACHMENT 04/14/08 M

Pizzino moved and Burger seconded a motion to approve the appropriation transfer request from account code 209.250.5387, Discretionary, to account code 209.250.5363, Hooked on Fishing, in the amount of \$700.00. **3-0 yes**

Fiscal Office

ATTACHMENT 04/14/08 N

Pizzino moved and Burger seconded a motion to pay the bills in the amount of \$1,510,173.40. **3-0 yes**

ATTACHMENT 04/14/08 O

Pizzino moved and Walters seconded a motion to approve the financial reports for March 2008. **3-0 yes**

ATTACHMENT 04/14/08 P

Pizzino moved and Walters seconded a motion to approve the minutes of the March 24, 2008 Board of Trustees meeting. **3-0 yes**

Mr. Gonzalez told the Board about a meeting he attended that affected regional planning. He said there have been issues where developers have turned in storm water plans. He said it has been discovered that Regional Planning has no method to enforce the submitted and approved plans. He said Neal worked with the Prosecutor and found a way in the law that the plans could be enforced. Mr. Gonzalez has sent the letter off and pointed out that they would like to take another step that if a developer doesn't comply with the plans, they would not be able to get an occupancy permit from the Township.

Poindexter said something would probably have to be included in the zoning if the certificate of compliance were to be withheld. She explained the occupancy permit is issued by the building department.

Fitzgerald said the zoning is a backup. The law needs to be changed so that the building department, who approves the ability to make the business go, can hold the certificate of occupancy.

Gonzalez said this was the issue with the allotment that flooded and caused problems.

Routine Business

Announcement

- Next regular Board of Trustees meeting, April 28, 2008, 4:00 p.m., Executive Session and/or Work Session, 6:00 p.m., General Session, Township Hall.
- CIC meeting, April 21, 2008, 5:30 p.m., Township Hall.
- LOGIC meeting, May 1, 2008, 9:00 a.m., Safety Center, Chiefs' Conference Room.
- Board of Zoning Appeals:
 - April 24, 2008, 7:00 p.m., Township Hall.
 - May 8, 2008, 7:00 p.m., Township Hall.
- Citizens Advisory Committees:
 - Community Celebration, April 15, 2008, 5:30 p.m., Township Hall.
 - Park, May 13, 2008, 6:30 p.m., Township Hall.
 - Highway/Traffic, May 22, 2008, 6:30 p.m., Township Hall.

Old Business

Walters pointed out that A. J. Pamer was in attendance by his invitation. He said A. J. is working on his citizenship and community merit badge and that he wrote a letter regarding his concern of the need for sidewalks around the middle school, high school, and YMCA.

A. J. told the Board sidewalks would add to the safety of the kids walking to and from the YMCA every day.

Walters also said that A. J. asked what young people could do to help out. Walters said he had already done one of the most important things, which was to contact his elected officials.

New Business – None

Zoning & Planning Department

At 6:33 p.m., Pizzino opened the public hearing for Zoning Amendment #570-08 request to re-zone from R-2 (Two Family Residential) to R-4 (Multi-Family Residential) Lots 20 and 21, south of SW corner of Bretz and Perry NW.

ATTACHMENT 04/14/08 Q

Poindexter: Thank you, Mr. President. The first and actually the only item I have is we have amendment 570-08. This is a proposal to re-zone from R-2, two family residential, to R-4, multi-family residential, approximately 5.52 acres, which consists of lot 20, owned by Mary Kontogianes and lot 21, owned by Stark Community Foundation Inc., which is located on the west side of Bretz, south of Perry Drive in Section 33SE of Jackson Township. The applicant is Mike Kochovski. This was reviewed by RPC on March 4 at which time they recommended denial and part of the facts that they considered and what they had said in their comments where that the lots were platted in 1969, the property abuts R-4 and R-2 with Rural-Residential being across the street along Bretz. R-4 allows 85% coverage for buildings and parking with up to 6 dwelling units per acre as a permitted use, however then there can be up to 10 dwelling units per acre with an approved conditional use permit which would have to go in front of the Board of Zoning Appeals. Fifty foot right of way streets are suitable for one and two family while multi-family dwellings require a 60' right of way and Bretz is a 50' right of way. They also stated that the multi-family district should not be encouraged to extend further into this well established single family neighborhood. This went before the Zoning Commission on March 20th, which they adopted the RPC's recommendation so the Zoning Commission also recommended denial. And now it's before the Board of Trustees.

Pizzino: Thank you. Is the applicant here? Okay. What we'll do is we'll ask you to come forward, state your case and after that we'll close that part of the hearing, then we'll ask anybody who has concerns or against your zoning request to speak and then we'll hear them. Then we'll close that. Then the Board of Trustees will make a decision. So at this time, will you come and state your name and.

My name is Steven Kochovski. I live at 5150 Foxchase Ave., Canton, Ohio, 44718. I'm speaking on behalf of Mike Kochovski, he wasn't able to make it today, he's the actual applicant and he had a family emergency. We would like to purchase both these lots, as you can see up here, and re-zone them to build apartments in that area. I know one of the main issues was traffic and I understand that you can find a problem with traffic just about anywhere, but if you're going to nitpick that's, I don't think there's going to be much of a problem with traffic. It's going to make money for Jackson Township initially and we're going to be creating more jobs for the construction industry. People aren't really working right now and we're just trying to make an investment here and have us make some money and the Township make some money in taxes.

Pizzino: How many units were you planning on putting in that parcel, those two parcels?

Kochovski: I believe 10.

Pizzino: Ten units? How many buildings?

Kochovski: One or two, we can only have one, correct? Or is it two?

Poindexter: Right. He talked about one on each property because it is two separate properties. They could put one building on each property. If they would go with more than one building, then it throws it into a group dwelling development which is also a conditional use permit.

Pizzino: So you're looking at five units per property?

Kochovski: Yes.

Pizzino: Anyone else have any questions?

Burger: If you're only going to put five units per property, why the differential, you have two lots and one looks like it's probably a third again as large as the one on the top of the screen there. Or am I misinterpreting something there?

Kochovski: I believe it's because of the lot sizes and parking would be more convenient to just re-zone it as one.

Burger: Okay.

Pizzino: Were you going to put on each of those individual units, the two units you were going to build were you going to have garages? Or were you going to have car ports?

Kochovski: Two car garages built in. I mean, we build them just like houses. They're very nice. We'll have landscaping, so it will block any of the noise if there is any. They're going to be nice and private – privacy-divider fences in the back, so if someone is out there grilling, you can't really see them or hear them.

Pizzino: Did you bring us any drawings or anything this evening?

Kochovski: No, we don't have any preliminary drawings yet.

Pizzino: So, I'm assuming you bought this property or you are purchasing this property if you can get the zoning changed.

Kochovski: Yes, in contingency, yes.

Pizzino: In contingency on the zoning change. Okay.

Walters: Did you have any contact with any of the adjacent property owners or neighbors and asked.

Kochovski: I, personally, have not, only from the zoning meeting that was last month did I get to hear what people had to say.

Pizzino: Did you go back, with any of their concerns, did you go back to these people and try to address some of their concerns?

Kochovski: No, we didn't. I mean most of their concerns were just noise and traffic.

Pizzino: Okay. Do you have anything else for this Board?

Kochovski: Not really. I mean we leave it up to you guys.

Pizzino: We thank you for coming. Is there anyone else who would like to speak in favor of this zoning hearing? Anyone at all? If not, I will close this part of the zoning hearing. And now was there anybody who would like to speak against this zoning? Anyone at all? Well, why don't we start over here? Would you please come up to the microphone, state your name and your address.

Hi, I'm Susan John and my mother and I live at 7275 directly across the street. Our concern is definitely traffic. It's a nice quiet street right now and there is traffic but I'm concerned a lot about additional traffic, like at 5:00 or at 3:00 when school's let out and so on, getting from Bretz out onto Perry Drive, or Perry Drive onto Hills and Dales is a little difficult, your going to continue to add more traffic coming through that way, that's going to back it up a bit. We like the neighborhood because we're probably the newest members of the neighborhood. We just moved in a little over a year ago and we like it because it is quiet and because it was undeveloped and it was, you know, we saw that it was for sale but we knew it was not going to go into something big, duplexes would be fine. We'd have no problem with that. But multi-family dwellings usually are transient dwellings, people come and go, they don't stay as long. I would rather see, because this is an established neighborhood to get people in there who are going to stay for a while. And that was our major concern, too.

Pizzino: Okay, thank you for coming this evening.

Walters: Can I ask you a question?

John: Yes.

Walters: Is that all right? I was just curious, how did you become aware of the request for the zoning change?

John: We got a notice in the mail. That was the only thing, in fact, one of our neighbors came over then after we got the notice in the mail about it and talked to us about it.

Pizzino: Did they post a big sign?

John: The sign was there, yes. There was a sign there, too, yes.

Pizzino: I was out there today and there was a big sign.

John: You're right. Yes, it's a big red sign. Yes, it is there.

Pizzino: I was just curious.

John: But we were really made, we didn't know what all, we had no idea what they were going to put there. We saw that there was a zoning change. But it wasn't until we got the paper in the mail that I did know what was going on.

Pizzino: Thank you. We appreciate it. Okay, anybody else on this side of the room? Anyone? Sir would you like to come forward, please, state your name and address.

My name is Ed Jordan and I live at 7331 Hoverland Street. We built the house in 1965 and have been there ever since of course. My concern, my main concern, is the valuation of our property because of this big unit behind us which is butting up right up against our backyard actually. And the second concern would be, our area has been, we just got sewer in recently, in the last year, we have drainage problems as far as it's a low area and I could see where if they pave all this with the roofs and all the water run off in a hard rain storm, I would be really concerned where the water would go. That's my two main concerns.

Pizzino: We thank you for coming this evening.

Walters: I'd like to ask you the same question, Mr. Jordan. How did you become aware of it and did you see the big sign?

Jordan: We got a notice in the mail and I cut across Bretz one day coming across Stuhldreher Road and across into Perry and into Bretz and I saw the sign on the property there. The zoning notification with the sign.

Walters: Okay. Thank you for coming.

Pizzino: Any one else on this side of the room? Anyone? Yes, sir.

Hi, my name is Sam Juhasz. I'm a 33 year resident of Jackson Township. I live at 7225 Bretz, which is like three doors down from on the other side of the street from the proposed zoning change. I have three major concerns. One being the street is 50' wide and supposedly you need a 60' wide street for this. When they widen the intersection at Hills and Dales and Perry Road, somebody dropped the ball because they have those apartments coming out onto Bretz now. That's a terrible increase in traffic there. You have children, you're kind of afraid to let them go in your front yards because of the increase in traffic. Second major concern is the devaluation of our properties. I've never seen any apartments really increase the property valuation. My third

one is the concern of the fellow Mr. Jordan. There is a 71/2 foot drop from Bretz to Hoverland. Now you build all that blacktop where is all that water going to go? I mean, like you said, we just got sewers, but they weren't storm sewers, they were sanitary sewers. That's basically my three major concerns.

Pizzino: The first concern is the County built that intersection.

Juhasz: Well, I'm not blaming the Township. I just said somebody dropped the ball.

Pizzino: I'm just trying to answer some of your questions. Hopefully, they put some storm sewers in that intersection. I know I had a number in my 8 years I've been on the Board, a number of concerns about the drainage there also. So, I'm aware of the drainage there (indecipherable).

Juhasz: They have two ways out of that apartment complex now, out onto Hills and Dales and out onto Bretz. It used to be Hills and Dales and Perry Road, now like I say that was a 50' road which it wasn't made to accommodate the R-4 traffic. And you're just going to go with another R-4 unit which increases more traffic.

Pizzino: Okay, sir.

Walters: May I ask the same question? How you became aware (indecipherable).

Juhasz: I drive by it every day going back and forth to work. Like I said I live three doors down from there on the other side of the street. I wasn't an adjoining property owner but I did see the sign. It was real legible.

Walters: Okay.

Juhasz: Thank you for your time.

Pizzino: Thank you so much. Is there anyone else? Sir?

Hello, my name is Rob Pavelzik. We own a property at 7251 Bretz and I'm just going to read you what I read to the Zoning Board originally. My wife and I own a property at 7251 Bretz, virtually across the street from the parcels requesting the zoning change. We are against the proposed zoning change amendment 570-08. After notifying residents in my neighborhood of the proposed change, many residents decided to come to this hearing. Many more could not attend but wished their opinion be heard. Previously I delivered to the zoning office, 24 general affidavits with notarized signatures of 33 parcel residents and owners who are also against the zoning change. We respectfully request that the Trustees deny the proposed zoning change on the basis of increased traffic, property values and that the lots currently provide a barrier from the Heather Glen Apartments. Having canvassed our neighborhood virtually 98% of the over 50 residents that I spoke to personally were not aware of the proposed change. I do not believe that a sign posting and notification to adjoining parcels is sufficient notification in a residential area. I would respectfully submit that the Trustees consider a policy of written notification to at least

20 affected parcel owners, distributed to 5 owners to the north, south, east and west of the change. And as you can see from the property, the folks that were affected adjoining the property, there's only a few people that were actually notified by mail because of the fact that the Heather Glen Apartments are on the other side and it was just amazing that so many folks did not know about it. And like I said 98% of the 50 that I spoke to did not know.

Pizzino: Is that it, sir?

Pavelzik: Yes, sir.

Pizzino: Okay, what you're asking us to do, we do follow the Ohio Revised Code and we do exactly what the Code says. What we did in addition, we come up through our own zoning regulations and put that sign there, to make more awareness of the zone change. So, we're doing everything we're supposed to do, plus more, by putting that sign there.

Pavelzik: I understand, but in this particular instance, it's like where the sign is posted all these residents on Hoverland didn't see the sign unless they happened to go by it. It's just by circumstance that people happen to find out. And like I said, had I not gone around and got all these affidavits, most people would not have known. And probably no one would have showed up.

Walters: I'll go four for four. How did you become aware it and?

Pavelzik: Well, I'm right across the street and there was the sign that notified me.

Pizzino: You didn't get a notification?

Pavelzik: No. Because I'm not adjoining to that property but I am across the street.

Pizzino: Well, that's one reason why we put the sign up there and make people aware of the zoning.

Pavelzik: Yes. It is helpful but unfortunately it doesn't notify all the residents unless they happen to go by where that sign is.

Pizzino: Okay. Well, thank you, sir.

Walters: Thank you.

Pizzino: Is there anyone else? Okay. So at this time, I'm going to close this part of the hearing. I want to ask the applicant would you like to say anything. You heard their concerns so we come back and we ask you one more time if you want to address any of their concerns. Or you don't have to.

Kochovski: Really, it's just like, the main concern is traffic and I mean if you do that (indecipherable), I mean, (indecipherable) almost everywhere.

Pizzino: Okay. So at this time here, I will close this part of the hearing. So the next part of the hearing is going to come to the Board of Trustees for our vote and our recommendation to either keep the zoning the way it is, modify the zoning, or deny the zoning change. Do we have any discussion on it first?

Burger: I have one question here. What is this supposed to designate here? Is that going to be a drive going from here out to Hills and Dales Road? Or what is that?

Pizzino: Joni?

Poindexter: What's he looking at?

Pizzino: We have a question over here on the map.

Poindexter: That's a drive into the apartments.

Pizzino: So, both of these properties are going to go into those apartments also?

Poindexter: Well, yes. That's the drive he was talking about onto Bretz that they put through so you can go onto Bretz from these apartments or to Hills and Dales here.

Burger: I kept looking at the different pictures there.

Pizzino: He's looking at the back side, here, Joni. He's asking if this is going to go through to this parcel.

Walters: I think that's a road, isn't it?

Poindexter: Oh, no. That's a separate parcel.

Pizzino: And they own that also?

Poindexter: No. This is a totally different owner, here. So the only way they could do that is if they got a cross access agreement to do that. Then they could.

Pizzino: Let's make sure we all understand.

Poindexter: Oh, because that's showing that that's open land there. (Indecipherable) open land.

Pizzino: So they don't own that parcel?

Poindexter: There are no buildings on there. No, see there's no buildings on there.

Pizzino: That's just (indecipherable).

Poindexter: Right. It's vacant land.

Pizzino: Vacant land they don't own.

Burger: So it would be pretty much vacant forever because it wouldn't be wide enough to do anything with.

Poindexter: Yeah, you couldn't put a building on there. That's (indecipherable).

Pizzino: We're looking at the map, there was a question if there was an easement there. That's what we were looking at. At this time, again, I want to thank you for coming and thank you for choosing Jackson Township to build this new complex and or duplex, or whatever the decision is. I would also like to thank everybody for coming in and taking time away from their evening to express their concerns this. And at this time, Mr. Walters, do you have anything else?

Walters: Well, I would echo those comments. We all feel blessed to live in this community, it's a wonderful community and we certainly want to welcome folks that want to come to the community and continue to enhance the community. So we appreciate that. But we also appreciate the turn out of folks in the neighborhood to let the Board know how they feel. And we had a big pack of materials as well, but, you know, that's not the same as having folks come and tell us how you feel and why you feel that way. So we appreciate that.

Pizzino: One thing this Board has, Mr. Walters, is new this year, of course, but, Mr. Burger and I have been on, I've been on over 8 years and Mr. Burger's been on over 7 years, we follow our Comprehensive Plan pretty close and we believe in step down zoning. And I believe that we do have R-4 zoning in front but that faces a major highway and if you have step down zoning, what you don't want, in my opinion, what you don't want to do is mix that up. So at this time do we have a recommendation at all?

Walters: The recommendation. . .

Gonzalez: Needs to make a motion.

Pizzino: Its coming, Randy.

Walters: I make a motion that we adopt the recommendation of the Zoning Commission.

Pizzino: There is a motion to adopt the Zoning Commission's recommendation.

Burger: Second.

Pizzino: Mr. Fitzgerald, do you want to explain to the audience what we just did before the vote?

Fitzgerald: Before the vote?

Pizzino: Yes. The three choices.

Fitzgerald: The statute, the Zoning Commission hears the case first, they make a recommendation of denial or approval or modification of the zoning request. It comes to the Board of Trustees and the Board of Trustees, the nature of their motion is to either adopt, deny or modify the recommendation of Zoning Commission which is now properly posed as a motion.

Pizzino: There is a motion to adopt the recommendation of the Zoning Commission. Is there any more discussion? And it's seconded by Mr. Burger. Okay, Mr. Gonzalez.

Walters moved and Burger seconded a motion to adopt the recommendation of the Zoning Commission to deny zoning amendment #570-08.

Burger yes

Pizzino yes

Walters yes

Pizzino: At this time here, the zoning will stay what it previously has been. So this zoning hearing is over. Any other comments, question, or concerns about the zoning hearing? Okay, that's closed.

Public Speaks – Open Forum

No one came forward.

Walters moved and Pizzino seconded a motion to adjourn.

3-0 yes

John Pizzino

Randy Gonzalez