RECORD OF PROCEEDINGS

MINUTES OF JACKSON TOWNSHIP BOARD OF TRUSTEES MEETING

JULY 9, 2007

Meeks called the meeting to order at 5:30 p.m. at the Jackson Township Hall with all Trustees, Fiscal Officer, Lyon, Fitzgerald and Neftzer present.

Meeks moved and Pizzino seconded a motion to go into Executive Session for Police Department Personnel (Appointment/Employment/Compensation/Promotion). **3-0 yes**

At 6:09 p.m., Meeks 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

Gary David, 7630 Arlington Ave., Massillon, Ohio, I was just concerned about some of the goings on at the Towpath. We've had a neighbor that's had like a 30 year feud with us and continues to call the police on several occasions, including last night. He addressed a letter to the neighborhood acting like it was from the neighborhood but it was basically from him about us being a rowdy biker bar and having bikers from several counties kind of terrorizing the neighborhood. I think he kind of scared a lot of people in the neighborhood, it kind of got other people on the issue and basically we don't have any problems there and most of the people that ride bikes there are just people like us that do it recreationally. I mean once in a while you get a guy driving by and it is basically a bike route for the area and hundreds of bikes drive by, I mean hundreds. Last night when the officer was there, there was about 10 bikes driving to Highmill and they floored it down Erie right past us making a lot of noise and they weren't in our establishment. I just feel that we're taking a lot of the heat from the area because it is a biker bar, I mean a route that people will drive by whether they come in our place or not, they're driving by. A lot of people aren't coming in that drive by, most of them aren't. I just read the minutes from June 11 about it and it kind of concerned me that a lot was said about us that, you know, there are a lot of problems going on but I really feel that it's not that big of an issue with us. I mean we don't have any problems and it's not a kid's establishment. A lot of people come to eat there. Yesterday 60% of our sales were food on a Sunday so there are a lot of family people, people 40 or 50, 60 year old people, even older than that who come in to eat. So I just wanted to make my concern about it to you and I feel that it's not a problem area. And I know some of the bikes are loud but the bikes that they put loud cams in them, I don't think they're taking the baffles out because they won't run right without them. They're just loud and they feel safer with the bikes being loud.

Meeks: First of all I'd like to thank you for coming in but secondly, out of respect to you and your establishment and the residents around there, we don't come out to solicit trouble, but if we have a complaint, our police have to respond to check it out.

David: Right, I understand.

Meeks: And I think, you being the proprietor of the Towpath Cabin, you would also want your patrons to do the right thing too.

David: Right and I think

Meeks: And I think that if you thought that they were getting out of hand, unruly, loud, you know that the residents, you know, are going to complain.

David: Right.

Meeks: And hopefully, you would take that under your own and try to calm that down.

David: Yes, I do and I throw a lot of people out. I had a guy riding wheelies two weeks ago, I told him never to come back. I do whatever I can but I'm not there all the time and I can't be there all the time.

Meeks: Well, again, Chief, if he has a complaint, we don't make statements without the facts and if we do have residents from time to time that come in to voice their concerns, we ask our Chief to check things out, to give us the facts, and that's how we operate.

David: I understand. I'm not complaining about that.

Meeks: You do have good food because I come in there at lunch and eat fried bologna so that's pretty good.

David: But it's basically, I mean the one neighbor has been fighting with the bar for 30 years and he pretty much has everybody, I mean, if I had gotten that letter, I would have been upset and scared thinking something was going to happen to me but it's really not that way. So I just wanted to express my concerns.

Meeks: Well, I appreciate that. Harley, do you have any comments.

Neftzer: No, Gary and I have talked and I know Gary is doing whatever he can there. And I do know that all the problems are not involving his patrons but we do have an obligation to go down there and deal with those issues. You've seen the skid marks and

David: Oh, I know, right.

Neftzer: Acceleration marks and the wheelie marks and the things that are going on down there. We're going to uphold the law and we're going to send people down to deal with that. Now we're not going to try to disrupt your business.

David: And I don't have a problem with that. I expect you to do that. I mean I feel

Neftzer: I'm obligated to do that.

David: Right. I feel safer that you're doing that, actually.

Neftzer: So, but no, I appreciate the effort you've taken and I think we need to keep working on this. There's a COP meeting coming up down there in the next week or two, I'll have Major Zink let you know when that is. I'm still open to the idea of maybe trying to do some kind of community event at the Towpath Cabin.

David: I'm open to that, too.

Neftzer: So that we can maybe get the residents in there and resolve some of these issues, but we'll keep working on those noise issues and it's not limited to you guys, I get

David: I know it's

Neftzer: Noise complaints all in that. We get noise complaints on Forty Corners all the time as well.

David: They're all over the place.

Meeks: Is there type of signage we could possibly place down on Erie as well as Highmill there that

David: That would be a real good idea.

Neftzer: You know, that's a thought and I'll get with Ralph on that because we've done that in near proximity to that area. For some of the braking and stuff and I know Chris Scala and the trucks help us out with that issue, so it might be something to consider there in Crystal Springs.

Meeks: Let's take a look at that.

David: That would be a great idea. Put something about neighborhood quiet zone or something that.

Neftzer: Yes, I'll get with Neal and Ralph and see what we can do.

David: That would help a lot.

Meeks: Okay. Thank you.

Administration Department

ATTACHMENT 07/09/07 A

Meeks moved and Burger seconded a motion to approve the appropriation transfer request from account code 101.110.5387, General Fund Discretionary, to account code 101.110.5385, Other, in the amount of $12,836.82, and from account code 101.110.5387, General Fund Discretionary, to account code 101.110.5458, Professional Services, in the amount of $6,000.00. **3-0 yes**

Highway Department

ATTACHMENT 07/09/07 B
Meeks moved and Burger seconded a motion to approve Budget Module 30-07-A for the Fulton/Everhard Drop Right in the amount of $12,619.34. **3-0 yes**

ATTACHMENT 07/09/07 C
Meeks moved and Burger seconded a motion to approve the appropriation transfer request from account code 211.310.5387, Discretionary, to account code 211.310.5651, Everhard Drop Right, in the amount of $12,619.34. **3-0 yes**

RESOLUTION 07-072, ATTACHED
Meeks moved and Burger seconded a motion to authorize the attached Advertisements for Bids for 2007 Curbing Replacement Project in accordance with the Specifications on file. **3-0 yes**

ATTACHMENT 07/09/07 D
Meeks moved and Burger seconded a motion to accept the attached offer from Wayne Township, Tuscarawas County, for the sale of one 1994 Ford L-8000 Truck. **3-0 yes**

ATTACHMENT 07/09/07 E
Meeks moved and Burger seconded a motion to adopt and authorize the placement of the Board's signatures upon the attached Agreement with Wayne Township. **3-0 yes**

RESOLUTION 07-073, ATTACHED
Meeks moved and Burger seconded a motion whereas, upon due investigation and consideration, the Board of Trustees of Jackson Township has determined that the amount of taxes which may be raised within the ten (10) mill limitation in and for Jackson Township, Stark County, Ohio for the next five years will be insufficient to provide an adequate amount for the necessary requirements for said Jackson Township, Stark County, Ohio for the purpose of general construction, reconstruction, resurfacing and repair of streets, roads and bridges in Jackson Township, Stark County, Ohio for five (5) years, tax years 2008, 2009, 2010, 2011 and 2012, commencing in 2008, first due in calendar year 2009.

Whereas, by reason thereof, this Board has determined that it will be necessary to renew an existing tax of three (3.0) mills, which is in excess of such limitation, for the purpose of general construction, reconstruction, resurfacing and repair of streets, roads and bridges in Jackson

Township, Stark County, Ohio for five (5) years, tax years 2008, 2009, 2010, 2011 and 2012, commencing in 2008, first due in calendar year 2009.

Whereas, pursuant to the requirements of Ohio Revised Code Section 5705.03(B), this Board as taxing authority for Jackson Township, Stark County, Ohio, is required to certify to the Stark County Auditor a resolution requesting that the Stark County Auditor certify to this Board as taxing authority for Jackson Township, Stark County, Ohio, the total current tax valuation of Jackson Township, Stark County, Ohio as a subdivision, and the dollar amount of revenue that would be generated by a specified number of mills. In addition, this Board as said taxing authority of said Jackson Township is required to state the purpose of the tax, whether the tax is an additional levy or a renewal or a replacement of an existing tax and the section of the Ohio Revised Code authorizing submission of the question of the tax to the Stark County Board of Elections for determination as provided by law.

Be it resolved that the Board of Trustees of Jackson Township, Stark County, Ohio, on behalf of the Jackson Township, Stark County, Ohio, and as said taxing authority for said Township, does hereby determine that it is necessary to levy a tax, outside the ten (10) mill limitation for the purpose of general construction, reconstruction, resurfacing and repair of streets, roads and bridges in Jackson Township, Stark County, Ohio, for five (5) years, tax years 2008, 2009, 2010, 2011 and 2012, commencing in 2008, first due in calendar year 2009.

Be it further resolved that the Board of Trustees of Jackson Township, Stark County, Ohio, as taxing authority for Jackson Township, Stark County, Ohio, pursuant to the requirements of Ohio Revised Code Section 5705.03(B), does hereby certify to the Stark County Auditor this Resolution requesting that the Stark County Auditor certify to this taxing authority, the total current tax valuation of the Jackson Township, Stark County, Ohio as a subdivision, and the dollar amount of revenue that would be generated by the renewal of an existing tax of three (3.0) mills for the purpose of general construction, reconstruction, resurfacing and repair of streets, roads and bridges in Jackson Township, Stark County, Ohio for five (5) years, tax years 2008, 2009, 2010, 2011 and 2012, commencing in 2008, first due in calendar year 2009. Ohio Revised Code Sections 5705.19(G), 5705.191 and 5705.25 authorizes submission of the question of the renewal of the existing tax at the November 6, 2007 general election.

Be it further resolved that the Fiscal Officer of this Board be, and hereby is, directed and authorized to certify this Resolution to the Stark County Auditor pursuant to the provisions of Sections 5705.03(B) of the Ohio Revised Code, and to proceed with all things necessary to be done in order to accomplish the purpose of this Resolution and the requirements of Section 5705.03(B) of the Ohio Revised Code.

Be it further resolved that it is found and determined that all formal actions of this Board concerning and relating to the adoption of this resolution were adopted in an open meeting of this Board, and that all deliberations of this Board that resulted in such formal actions were in meetings open to the public in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code. **3-0 yes**

Pizzino pointed out that this was a new levy in 1977. It has not been replaced since then and is not a new tax. He said Mr. Boger has done an excellent job in leveraging that money for the road projects within the Township.

Meeks said it is important that the residents understand that this is not an increase. He reminded everyone that they have turned $11 million into approximately $70 million worth of road improvements.

Gonzalez pointed out that this 3 mill levy currently generates less than one mill, .007 mills is the effective millage. The current cost for a $175,000 home is $37.52 and that would not change if it were voted in.

Park Department

ATTACHMENT 07/09/07 F
Meeks moved and Burger seconded a motion to approve a rate increase from $8.00 to $8.50 per hour, for park maintenance worker, Patton Nichols, through the temporary service, effective July 16, 2007 per the recommendation of the Park Director. **3-0 yes**

ATTACHMENT 07/09/07 G
Meeks moved and Burger seconded a motion to adopt and authorize the placement of the Board President's signature upon the attached McCoy and Associates letter regarding the relocation of approximately 60 feet of track involved in the Wales/Fulton Intersection Improvement. **3-0 yes**

Meeks thanked the Park Department for the excellent job they do during the festival, tournaments and all the other activities in the parks.

Police Department

ATTACHMENT 07/09/07 H
Meeks moved and Burger seconded a motion to accept a retirement notice from Donna R. Eby, effective September 28, 2007 at 1630 hours. **3-0 yes**

ATTACHMENT 07/09/07 I
Meeks moved and Burger seconded a motion to authorize advertising for a Secretary 1 position in the Police Department. **3-0 yes**

ATTACHMENT 07/09/07 J
Meeks moved and Burger seconded a motion to accept a retirement notice from Glenn B. Goe, effective August 31, 2007. **3-0 yes**

Meeks moved and Burger seconded a motion to accept a $200.00 donation for the Bicycle Rodeo from Dean Brown. **3-0 yes**

Meeks moved and Burger seconded a motion to accept a $200.00 donation for the Bicycle Rodeo from Belden Village Towing Co., Inc. **3-0 yes**

Meeks moved and Burger seconded a motion to accept a $1,500.00 donation to "Hooked on Fishing" from Wal-Mart. **3-0 yes**

ATTACHMENT 07/09/07 K
Meeks 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 $1,500.00, from account code 209.250.5387, Discretionary, to account code 209.265.5502, Juvenile Services, in the amount of $400.00, and from account code 209.250.5387, Discretionary, to account code 209.250.5522, Facility Maintenance, in the amount of $20,000.00. **3-0 yes**

Fiscal Office

ATTACHMENT 07/09/07 L
Meeks moved and Pizzino seconded a motion to pay the bills in the amount of $642,723.90.
3-0 yes

ATTACHMENT 07/09/07 M
Meeks moved and Pizzino seconded a motion to approve the minutes of June 25, 2007 Board of Trustees meeting. **3-0 yes**

ATTACHMENT 07/09/07 N
Meeks moved and Pizzino seconded a motion to approve the June Financial Reports. **3-0 yes**

ATTACHMENT 07/09/07 O
Meeks moved and Pizzino seconded a motion to approve "Then & Now" Certificate PO #RG70482. **3-0 yes**

ATTACHMENT 07/09/07 P
Meeks moved and Pizzino seconded a motion to request an advance of property taxes from the Stark County Treasurer. **3-0 yes**

Routine Business

Announcements

- Next regular Board of Trustees meeting, July 23, 2007, 4:00 p.m. Executive Session and/or Work Session, 6:00 p.m., General Session, Township Hall.
- CIC, July 16, 2007, 5:00 p.m., Township Hall.
- LOGIC, August 2, 2007, 9:00 a.m., Safety Center, Chiefs' Conference Room.
- Board of Zoning Appeals, July 26, 2007, 7:00 p.m., Township Hall.

- Citizens Advisory Committees:
    - Park, July 10, 2007, 6:30 p.m., Township Hall.
    - Skate Park Sub-Committee, July 12, 2007, 5:00 p.m., Friendly's Restaurant, 2030 Wales Avenue NW
    - Community Celebration, July 30, 2007, 6:00 p.m., Township Hall.
    - Highway/Traffic, August 15, 2007, 6:30 p.m., Township Hall.

Old Business

Gonzalez announced the first committee meeting to study the regionalized dispatch was scheduled for July 24, 2007 at 3:00 at Canton City Hall in the Mayor's Conference Room. The committee is made up of Gonzalez, Sheriff Swanson, Joe Concato, Mike Loudiana from the Red Center, Tim Warstler from 911, Chief Turowski from Louisville, and Bernie Hunt from the City of Canton.

New Business

Meeks moved and Burger seconded a motion to accept a $1,750.00 donation for marketing materials from Massillon Cable TV, Inc. **3-0 yes**

Meeks moved and Burger seconded a motion to accept a $6,000.00 donation for the Community Celebration from Massillon Cable TV, Inc. **3-0 yes**

Meeks moved and Burger seconded a motion to accept a $500.00 donation for the Skate Park (designated by Steven Meeks) from Massillon Cable TV, Inc. **3-0 yes**

Meeks moved and Burger seconded a motion to accept a $1,000.00 donation for Hooked on Fishing (designated by Steven Meeks) from Massillon Cable TV, Inc. **3-0 yes**

Meeks moved and Burger seconded a motion to accept $1,375.00 sponsorship donation to the Community Celebration from Wal-Mart. **3-0 yes**

Meeks moved and Burger seconded a motion to accept a $50.00 donation to the Fire Department in memory of Steve Fazekash from Michael A. Zoldan. **3-0 yes**

Zoning & Planning Department

RESOLUTION 07-074, ATTACHED
Pizzino moved and Meeks seconded a motion that the Jackson Township Board of Trustees, having been informed in writing that noxious weeds are growing on the lands in charge of

Patricia E. Zurick, Jackson Township, described as follows: Parcel No. 1602572, at 5720 Oak Dr. NW, Jackson Township.

Therefore, be it resolved that said Patricia E. Zurick, whose tax mailing address is 4982 Armandale Ave. NE, Canton, OH 44718 be notified by serving on them by certified mail with return receipt requested, a written copy of this resolution that said noxious weeds are growing on such lands and that, pursuant to ORC Section 5579.05, they must be cut or destroyed within five (5) days after the service of such notice or show this Board cause why there is no need for doing so. The owner shall have a continuing duty to cut or destroy the noxious weeds every 30 days from the date of this Resolution until September 30. If the owner fails to meet this obligation within the five-day period, or the subsequent 30 day periods, the Township will mow at $150.00 per hour with a $400.00 minimum charge. **3-0 yes**

RESOLUTION 07-075, ATTACHED
Pizzino moved and Meeks seconded a motion that the Jackson Township Board of Trustees, having been informed in writing that noxious weeds are growing on the lands in charge of Windamear Properties INC, Jackson Township, described as follows: Parcel No. 1626741, at Lot #28 Fieldmont St. NW, Jackson Township.

Therefore, be it resolved that said Windamear Properties, Inc., whose tax mailing address is 7239 Wales St. NW, N. Canton, OH 44720 be notified by serving on them by certified mail with return receipt requested, a written copy of this resolution that said noxious weeds are growing on such lands and that, pursuant to ORC Section 5579.05, they must be cut or destroyed within five (5) days after the service of such notice or show this Board cause why there is no need for doing so. The owner shall have a continuing duty to cut or destroy the noxious weeds every 30 days from the date of this Resolution until September 30. If the owner fails to meet this obligation within the five-day period, or the subsequent 30 day periods, the Township will mow at $150.00 per hour with a $400.00 minimum charge. **3-0 yes**

ATTACHMENT 07/09/07 Q
Meeks moved and Pizzino seconded a motion to approve Notices to the Stark County Auditor for mowing noxious weeds on the following properties:

1. MJC Investments, .45 acre, Brunnerdale Avenue NW, Parcel No. 16-23509.
2. Greg and Leanne Conaway, 8300 Caroline Street NW, Lot #9, Highland View Farms Allotment, Parcel No. 16-28456.
3. James P. and Regina A. McNutt, 7004 Lake O'Springs Avenue NW, Parcel No. 16-00080.

Public Hearing on Zoning Amendment 562-07

ATTACHMENT 07/09/07 R
Poindexter explained that this amendment is to rezone property located at 4733, 6721 and 6699 Frank Ave. NW and approximately .1479 acres more or less of parcel number 1627225 Portage NW from R-R Rural Residential, R-2 Two Family Residential and B-1 Suburban Office and Limited Business to B-3 Commercial Business District. The property owners are Peble Clark,

6733 Frank Road, Robert Kugel, 6721 Frank Road, and Darlene Locke, 6699 Frank Road and Marian Kochovski, 5150 Foxchase Ave. N.W., Canton, Ohio. The applicant is TRC Realty of 8869 Brecksville Road, Suite A, Brecksville, Ohio. The Stark County Regional Planning Commission recommended approval a modification to rezone only the two tracts currently zoned R-R along Frank Avenue to B-1. This went before the Zoning Commission on June 21 at which time they gave a recommendation based on what was requested by the applicant and recommended approval for the rezoning.

Meeks: Can I ask one question here?

Poindexter: Sure.

Meeks: If you look in your packet and you look at the aerial shot, I'm just curious why the first parcel, actually it would be the second parcel, but the first parcel of the rezone juts out into the parcel due west.

Poindexter: That is the portion of the R-2 that they are requesting to be rezoned to B-3. Is that correctly in what I'm thinking? Yes, that is the R-2 portion that they would like to have that rezoned to B-3.

Meeks: Who are they?

Poindexter: The applicant, TRC Realty. They can refer to this but I believe the reason they wanted that portion included was because that's where they wanted their drive.

Meeks: So they own that parcel as well?

Poindexter: Not currently that's owned by Mr. Kochovski.

Pizzino: So we're splitting a parcel?

Poindexter: That would be a portion of that property that would be rezoned. It would not be the entire property.

Pizzino: That R-2 property is going to be owned by the people who have asked for rezoning or just that one little strip?

Poindexter: I believe they are purchasing the whole property.

Meeks: We'll ask the applicant.

Poindexter: Yes, they can answer that.

Meeks: Because as we know the zoning change stays with the parcel and the parcel can be sold, it can be whatever.

Poindexter: Correct.

Meeks: If we don't put conditions upon that, I'm not saying that it's going to go, I'm not saying isn't going to go, but when you have multiple owners here, we'll get into that. Okay, thank you, Joni. Is the applicant here? Mr. Gruber.

Gruber: Good evening. My name is Mike Gruber. I'm an attorney representing the applicant. First of all, I want to tell you a little bit about the applicant so you know who you're dealing with. The principles have over 30 years in development and they've done about 35 Walgreen stores in the past. On the border of Jackson Township and Massillon, the Walgreen store down there is one they developed in a similar neighborhood and they also built that about 10,000 square feet where the Massillon AAA and the license bureau is. So that whole complex down there was one of their developments. They do have a firm commitment from Walgreens with a 25 year lease of this facility if it's able to be built.

Meeks: Can you explain that? If it's able to be, hinges upon the zoning change?

Gruber: That's correct. They have conditional purchase agreements with all the property owners assuming that the zone change is approved.

Pizzino: You're talking about the property owners, Mr. Gruber, where we're questioning that R-2 piece of property, do you want to comment on that a little bit?

Gruber: I don't know what area you had but I have an aerial map and on that map what you'll see is where Rockne's and superimposed on there are two buildings where the Fifth Third Bank is, that wasn't constructed yet, so that has been put on so you can see where that is. And then in the three lots on Frank the new Walgreens is superimposed on there. So coming from the north the first lot is the B-2, the next two lots are both R-2 and they have residents on them that are currently occupied as part of this. Those are the last two residents on Frank in this area. They would be removed as part of this project. The field to the north is the other R-2 piece. That is also being purchased by the developer but they are not going to develop that commercially. They want that to remain R-2. The only thing they are asking is for the small strip to give them the access to Portage, that's the only zone change, but not the whole parcel.

Pizzino: For a driveway.

Gruber: That's correct.

Meeks: So you're saying that the applicant is proposing to purchase this whole parcel

Gruber: this whole parcel from Kochovski. That's correct. But they like the buffer, they like the R-2 buffer and they want that to remain.

Meeks: I like the buffer, too.

Gruber: And you can see that there is a proposed access onto Portage and it's only this little piece that they're asking to have the zone change along with the main part of the project.

Meeks: Okay and I'm sure you've checked your distances from the intersection to your ingress/egress.

Gruber: Yes.

Meeks: You usually do your homework.

Gruber: We're asking for the B-3, not because of the use, but because it's a 14,000 square foot store which does not currently fit in the B-2. It's not a big box store, it's not nearly as big as many other drugstores that are built in this area. So it is a neighborhood drugstore, it will fit very nicely in this neighborhood. I think it fits very nicely with the doctor's offices and the other office buildings as you're going south on Frank Avenue. It blends right in with them, it's going to be an all brick building. We've been very pleased with the support we've received from the adjoining and adjacent property owners. At the Zoning Commission hearing all the testimony was positive. No one came in and objected at that hearing.

Meeks: That's rare.

Gruber: Yes, sir. And I think that everybody and even if you check with the RPC, they agree that the two residents don't fit here anymore. And this is a good way and good project to be able to eliminate those residents with a building and a structure that's going to fit nicely in this neighborhood. This location was chosen because of existing traffic, this type of store really isn't a traffic generator, but feeds off the existing traffic which is also why it really fits nicely into this location. I think the site plan shows how well the building fits. Normally this size store is built on a smaller site, about 1.3 acres. As Joni Poindexter pointed out, the total here is just over 2 acres, which makes your set backs a little more, you have good buffering, you have good open space. It's a very nice fit on the site. The other thing is some of the concerns that the RPC has. I don't think you are going to have a concern here and actually on this map, I think it points it out better. Many of the types of uses the RPC was concerned about would never fit here. It's a narrow site and so a 14,000 square foot building is about the biggest you're ever going to get in there and you still have your R-2 buffering. So the buffer that they kept talking about is going to remain which is why I think this is a very unique site for this kind of change into the B-3.

The other thing is if you let this stay the way it is and even if you went with the RPC recommendation and only took the two R-2's and made them B-1's, where if part of them became B-2, what would you have? You'd have three small sites, I could have three separate buildings, three separate curb cuts, it would make it a much more congested area, much more traffic in and out. With this proposal as you can see you only have egress and ingress back as far as you can go from the intersection and one on Portage. So if you're going to have a curb cut here anyway because this R-2 is going to get developed. So you're always going to have somewhere on this site a curb cut and this way you only have one combined and only one building and one business, so we just think the way this comes together, the way it flows

together, makes for a very nice site and we believe that's why the Zoning Commission voted approval.

Meeks: Well, again, I think you need to touch on, too, the importance of asking for B-3, not because you need B-3, but you need it, but you don't need it. You don't need it for the business you want to build.

Gruber: For the use, that's correct.

Meeks: You need it for the square footage for which you want to build.

Gruber: That's exactly correct. And I'd be happy to answer any other questions if you have them.

Meeks: Any questions?

Pizzino: You'll have a chance to respond.

Gruber: That will be fine, thank you.

Meeks: Is there anyone who would like to speak in favor of this? Please come forward.

My name is Peble Clark and I live at 6733 Frank Avenue. My husband and I bought our home 53 years ago. Well back then it was a wonderful place to live, you didn't see a car for hours. Now there's commercial all around me and it's no longer suitable for residential. There are only three homes left there. And we have a very good offer to sell and if we sell to some small business, we cannot get enough to relocate. Also all this stuff across the street from me, since my husband died four years ago, I don't even feel safe in my own home with people coming and going at Gander Mountain and at that bar at Rockne's at all hours of the night. It should be rezoned so everyone can relocate. And another thing is we can't sit outside or open our windows for the traffic and for the noise from trucks and motorcycles. I'd just be grateful if you would change it so we could relocate.

Meeks: Could I ask you one question?

Clark: Sure.

Meeks: Are you going to stay in the Township?

Clark: Yes, I'm going to get a condo if I can find one.

Meeks: Thank you.

Clark: Well, I would certainly be grateful if you would do that because it's no longer suitable for residential.

Meeks: I understand. We appreciate you coming in.

Clark: Thank you.

Meeks: Thank you. Anyone else? Yes, sir.

I'm Charles Danner and I live at 5220 Portage. West of me is my sister Jean Forsyth, she gets wobbly knees when she stands up so she said I could convey her thoughts on this, too.

Meeks: That's fine.

Danner: To the east of me, she lives at 5232, to the east of me is Charles and Tina Rohr, at 5200 Portage. That's the home that I was born in, in 1939, not that you would be interested in that, but we've grown used to that area and we're the people that the Regional Planning Commission is talking about, I believe, for being the people most affected by this. I have talked with Charlie and Tina and with my sister as well. And when my father sold that at $500 a lot along Frank Road, it was all farms, there were a couple houses but they were farm houses, there was no development at all. Now all of us on the southwest corner of Portage and Frank look eastward to the bank, to the gas station, to the restaurant and to Gander Mountain. I, my sister, at 5232 and to a lesser degree, Charles and Tina Rohr, we believe we're buffered from most of the commercialized development that has gone on to the east of us. Partly by distance, partly by elevation, we're much higher than they are along Frank Road and partly by Mr. Kochovski's plot that is currently zoned B

Poindexter: R-2.

Danner: R-2, pardon me. We have a great interest in what happens west of Frank obviously. At the zoning meeting on, I guess it was June 21, I heard that date, I had spoken to my sister and to the Rohr's and spoke to the Zoning Commission as a neutral person, I didn't speak on behalf of it or against it but I wanted to convey the issue of our concern is buffering and fair use, the best use of these properties. With the additional chain of thought that I've given to it and my sister, and discussion, I'm speaking for myself and my sister specifically in saying our sympathy lies with those property owners along Frank Road. They are the ones that are not buffered from this development. And our opinion is along Frank Road they are on equal footing as far as what they face and I think Mrs. Clark expressed that well. They're the ones that we believe deserve the change. In addition we believe that one building along Frank as proposed here would be preferable to two possible smaller buildings. We're going to see the rear of those buildings at worst in any event. But we see this as to our advantage. Thank you and I'd be glad to answer any questions.

Burger: I have a question for you, Mr. Danner. To just the east of you and before you get to Frank, there's an open area there that's kind of like a ravine. People have been dumping concrete in there.

Danner: Yes, I don't know who that is, I assumed it was the potential buyers but I don't know. But it always has been an issue of attempting to fill that in and make it more level with Portage.

Burger: Maybe you or maybe the developer could, does anybody know of any plans, I thought it came before the Zoning Commission within the last year or two.

Gonzalez: It was just rezoned about a year ago.

Burger: That's what I thought.

Gonzalez: Commercial.

Burger: Yes, okay. I was just checking my memory to see if I remembered correctly.

Danner: We see that as proper buffering, the way it's zoned now, for that large tract.

Burger: Okay.

Pizzino: Thank you for your comments.

Meeks: Yes, thank you, Mr. Danner and Mrs. Forsyth. Thanks for coming in. You don't have to have wobbly legs when you come to see us. Would anyone else like to speak in favor. Yes, sir, please come forward.

My name is Bob Cazzolli and I'm adjacent to where they are developing this land at 6677 Frank and I have Power Cleaning and Maintenance and my wife has an office in the same Als Care project and I can relate to these people, I'm only there maybe ten hours a day but I have a lot of compassion with what they are going through because the noise and all the traffic and the bickering that goes on with these situations, it has become overwhelming to them and they're at the age now where they deserve an opportunity to move on and have qualify life and like he said if they would sell that piece of land, they would probably get not even half of what they're going to have the opportunity to get now. So I think it would be a blessing to rezone that to B-3 and give these people an opportunity, at their age, and I know everyone sitting up here, when they get to be at that age they would certainly appreciate that same opportunity and be at the mercy of someone sitting at this side of the table then to do that for them.

Meeks: Thank you.

Cazzolli: Thank you, gentlemen and ladies.

Meeks: Anyone else to speak in favor of?

Robert Kugel, 6721 Frank. They want to build a drugstore there and it seems to me that they could use the jobs there that Hoover, if you know what I mean, they're going to be professional people in there and maintenance people and other people that handles the place, probably ten, twelve people maybe. We don't work. We live on Social Security, that's it. And these people made us a generous offer to get out of there and we truly appreciate it. Thank you.

Meeks: Thank you for coming in, sir. Anyone else who would like to speak in favor? Please come forward, state your name and address, please.

My name is Mike Kochovski. I own the property west of these two houses on Frank Road. I don't live there. I live at 5150 Foxchase Avenue NW, Canton. I do own the vacant land west of these two properties. I think this is a perfect fit for Walgreens. It would be good for the community, for Jackson Township and I am 100 percent for this project to be built. Thank you.

Meeks: Thank you.

Burger: Thank you.

Meeks: Anyone else like to speak in favor of? Anyone? Okay, I'll close that portion. Is there anyone here that would like to speak against? Anyone?

Gonzalez: I am a resident in that area and if you want me to go down there, I'd be glad to. I don't really want to speak against it but I do have some serious concerns and some questions. I live.

Meeks: Can you state your name and address.

Gonzalez: My name is Randy Gonzalez, my address is 6929 Frank Avenue which is directly across from BJ's, exactly a block and a half from this location. And Charlie Rohr did call me, he did have a real concern with this rezone to retail. He was concerned about that, it's not having a great buffer for him and he's the one most affected by this. But I'm not opposed to it, I do have some serious questions. Why are you building around the corner on Portage, first of all? That would be question one. Looks like that's completely left out, the corner of Portage and Frank, is that correct?

Gruber: I think they just could not purchase the corner. I guess before they would do a (indecipherable)

Meeks: They didn't purchase that.

Gruber: Could not deal with those people.

Gonzalez: I guess that's my concern and I'd like to bring up to the Board, that's a very small parcel that's left there and I don't know what you could do with that.

Gruber: Well, it has an existing business on it.

Gonzalez: Yes, it does, but not retail. My second question is. And secondly is that access to Portage. Have you had that approved by the County? You haven't taken that to SCATS or RPC have you?

Gruber: I'm not sure how it would be done.

Gonzalez: That would be a nightmare to make a left hand turn. There's no center turn lane there. Coming home, well, I go that way every night, when you make a left on Portage there trying to turn into Walgreens you're going to back up the whole traffic all the way back to the intersection on Frank and Portage to Frank all the time.

Gruber: Right. And they will have to comply with all the appropriate restrictions on site plan development but as I said this area is zoned R-2. And eventually housing and all will be built on there and you're probably going to have, you're going to have to have an access there for that anyway. You're still just going to have one access there. It's going to be the same developers, the same owners, so they'll be able to use a common access instead of having multiple accesses there.

Gonzalez: I understand that. That whole parcel, all the way along through there, and again, I understand I'm not, it's been developed, although your business is definitely a different business. You're talking retail business. There's no retail on that side of that street.

Gruber: What I was saying is this R-2, this whole tract is not yet been developed. So eventually when it's developed you'll need a curb cut and you'll need access to Portage here. So

Gonzalez: You agree it is a retail business. I've gone through this, I tried to rezone my house to B1 and mine was turned down. The buffer has been Frank Road. There has been no retail that has crossed Frank Road. You're opening up a can of worms. That has not happened, there's no retail on that side of Frank Road, is that correct?

Gruber: The bank, well, that's a bank use. That's not the same retail, but understand that this type of neighborhood store, though, is not a traffic generator. It is designed and it feeds off existing traffic.

Gonzalez: And the existing traffic, on Portage, if you're trying to make a left hand turn heading west, if I'm heading, which would be west on Portage and attempt trying to make a left hand turn across two lanes or three lanes of traffic there, that's going to be next to impossible.

Gruber: But the thing is the people coming out of here have two options. They can go out on Frank or Portage which is a better situation than just about anything else you can have because they do have access on two different streets to help control some of that. Anything else?

Pizzino: Not at this time.

Gruber: Thank you.

Meeks: Is there anyone who would like to speak against. Anyone? Okay, I'll close the public portion of the hearing. Gentlemen, again, the request to rezone to B-3 is because of what our restrictions prohibit in the lesser B-1 or B-2 of square footage of the building size. And if you do look at the footprint of the residential homes, they really do not fit with the activity around there. However, Mr. Gonzalez does bring up a traffic pattern that I do not want to create an unsafe condition here. And right now your ingress/egress, if it was a right in, right out onto Portage

would be a heck of a lot safer. And again this is not even approved yet. Then if you're egressing or ingressing off of Frank Road which you could go both north and south, I understand Randy's point because if you are coming west on Portage and you happen to want to make a left hand turn into the proposed entrance, there could be a situation there. But you know these are things that we have to talk through and look at. We do not want to create an unsafe situation here. And the other thing is with the retail being on the west side which it isn't presently.

Pizzino: I think if you look at the situation and you can look south on Frank you have business there. You don't have retail but you do have business and you're going to have the same, pretty much the same situation. If you look at their overall plan, Mr. Gonzalez's concerns on the property on the corner, you know, I would be more concerned if they had bought that corner property. What I like about this plan at a glance is it pushes the driveway further away from that intersection. Especially the driveway on Frank Road, but you're right, when they go down to the County, it's up to the County to actually tell them where they can put the driveways, if they have the site distance and the proper distance. I do agree with Mr. Meeks, I think the residential part of it, something has to be done. I do like the one building, one business compared to three businesses there. So it's just a situation that we have with the traffic and it is a major concern and Mr. Gonzalez is 100% right. I don't know if we can do it by signage, we talked about signage earlier this evening about a situation within the Township which is probably (indecipherable) this. I don't know. You're going to have a problem no matter what is there. I believe with turning in, especially if you're going westbound on Portage, if you try to turn there.

Meeks: Let me just interject this little bit. If the turn lane, that would be if you were coming east on Portage wanting to turn north on Frank, if that turn lane was extended west, you know how we have on some where it's split off where you can get into it going north and just like this traffic coming west and you would have it to where you can get into that neutral zone to make that left turn, it would clear your two lanes of westerly bound Portage traffic. I mean these are things that I think that could be worked on and achieved for a safer ingress/egress onto the parcel. I think these are things that. Mr. Gruber, you should take a real hard look at. Trying to make that as safe as possible for the approach coming into that if it's granted. One positive that I do see with this one building being on these lots is that it is one. And it is the lesser of the evils that possibly could be here. My only concern is the zone change doesn't stay with the Walgreens it stays with the parcel. Okay, the parcels. So once we, if it is going towards approval to the B-3 just understand that we are not approving B-3 for Walgreens, we're approving B-3 for the parcel within our highlighted area. And that can be anything under B-3. Pretty much anything. So even though Walgreens is committing to a 25 year lease, which is a great thing for our community and as you know we are very sensitive to encouraging new growth, commercial-wise in our Township, with the demise of area businesses, people losing their jobs, a job is a job. It also helps reach that goal of evening out our residents to commercial base when we start paying property tax and levies and that, which we do have to get back to commercial paying more than their fair share so that we can lessen the burden on our residential input. Those are just things that

Pizzino: And if you look at the plan I like the R-2 buffer zone. They're going to have a situation down the road that cuts up to the neighbors to the west and I think that's a buffer zone (indecipherable). But, you know, the main concern, as Mr. Gonzalez's concern is, is the, you

know, the two driveways. But you'll have that with any property there, and again, it could be worse if you had three driveways. We have to look at what could be worse. If we have three businesses in there, then we have three driveways going out of there.

Meeks: Well, what you do, you have it out onto Frank, you do not have it out onto Portage, though.

Pizzino: But you're going to have something out on Portage, eventually, once that, even if we

Meeks: And I understand and I think that we see that and if you look at, it's not very clear but even on the overhead shot that we have in our packet, you do have the hashed area. I think that there is room here that we could create a drop turn lane coming in there. Not we, they could work with the State and County to do so. I think that is most important so that we, we spent a lot of money on improvement of that intersection as well as the improvement of Portage going west and I do not want to see us make a mistake and creating congestion where we've just spent money improving that so it does clear out like it does and it flows very, very nicely. We've done the same thing with the drop right going into the Gander Mountain complex, going clear up to the Sam's Club, we did that for a reason so that we could flush that intersection and keep the two easterly bound lanes flowing, not holding up at the light like it used to back up and over. What would be a great thing and they weren't successful of and that would have been to purchase that lot that buffered the Portage and Frank side on the corner, because that could have been put in as a drop right lane and all of this other than the westerly flow would have been eliminated. Just a lot of things I'm seeing here. Yes, I know Mr. Danner asked (indecipherable). We normally don't but Mr. Danner, go ahead. We're pretty open.

Danner: If I may make a quick observation for your consideration and my sister reminded me of this.

Pizzino: Are you sure you don't want to come up here?

Danner: We already have a very, very similar situation with Fifth Third Bank, when you think about it in terms of current access already to Frank, current access already to Portage. The difference is it is perhaps even worse because it's right on the corner itself without this space in there so there is already a precedent there and I don't, I've not observed a problem that has occurred with that bank.

Meeks: So you see easterly bound traffic on Portage not using the turn lane and coming on Frank to turn into the bank but actually turning and using the entrance off of Portage.

Danner: That's how we turn in there, yes.

Meeks: Okay. All right. Well, gentlemen.

Pizzino: I don't know. (Indecipherable.) Mr. Burger.

Meeks: Any comments, Bill?

Burger: No, I think, between the two of you and the comments from the audience, they pretty well answered any question I had.

Meeks: I have a question for Neal. Neal, is it appropriate that we adopt a modification that we would put in there to take a look at that turn lane off of Portage going westerly or not?

Fitzgerald: No, you can't condition, as you said before when you explained it, if you grant B-3 you grant the B-3 as authorized by the Zoning Code. You can't place a condition.

Meeks: So we can't.

Fitzgerald: No.

Meeks: How about if we twist the arm of the developer? And they say they would.

Fitzgerald: Well, you can certainly ask them to say they will, but they only have to develop it according to the zoning.

Meeks: I understand.

Fitzgerald: They could make a public statement.

Gonzalez: I certainly would not want to hinder your sale. My problem there is and I hope that the Board goes for it, I'm not trying to get it turned down. But what I do have a problem with is because of your sale and Walgreens not getting the entire plan done with the corner. Walgreens, I mean, I have watched them for years, they bought the AAA building up on Wales and they literally bought the AAA building, tore it down, and then built them a brand new building just so they could have the lot on the corner. They have plenty of money. They paid for their building plus the cost to rebuild the AAA. they built up there on. . .

Also they got annexed into Massillon right away. But the real problem is the rest of Jackson Township shouldn't have to sit and wait on Portage behind cars trying to turn in there, to make this turn, that's my biggest problem. What Mr. Meeks is saying is true and the rest of the Township shouldn't be put out just so you can sell you home and Walgreens can do what they want to do. We all have to drive Portage Road all the time. And, Chuck, that intersection and I don't mean to be mean about this or disagree with you but I'm in Speedway often, I get my gas there, you know where I live at, if somebody tries to make a left hand turn into that bank it creates a mess, again. We should have never allowed that entrance there at the Township, it backs up the entire intersection if somebody happens to try to make a left hand turn that is heading north on Frank and tries to turn into that bank, it's a nightmare. So I guess what I'm saying is, great we want to see you get your sale, and the way I feel about it I'd like to have Walgreens, be nice to have another store to compete with Drug Mart. But don't hinder the rest of the Township's traffic patterns.

Gruber: The developer is going to have to work with any site plan requirements that come up and they are more willing to, I mean, traffic congestion and bad traffic patterns are not favorable

to developing a site like this. So they want the traffic to work, too. And when I first looked at this, you know, I always thought if you were going west on Portage, you'd probably turn on Frank and go in instead of trying to make a left turn off of Portage. To me, that just makes sense and that's why I always thought you had so many options here why it works better. But if there is something that, you know, when they go through site plan review and all the rest that's brought up that it works better, they're more than willing to look at it because they want the site to work.

Gonzalez: Well, I can give you a little history on this. If you go right down to the other end of Frank road and almost the same distances were built when Fishers went in and they made them close that entrance. If you remember there was another entrance, between the one there now and Fulton Ralph, is he down there, you know where I'm familiar with. There was accident after accident until they made Fishers close that entrance off Frank close to Fulton that was coming off of Fulton Road. It was off of Frank and you made the turn you would go and make a left hand turn in to Frank that was causing wreck after wreck after wreck. They closed it, now there's one that is down the street farther. And you're creating the same condition here on that.

Gruber: Well, I know that there is an entrance off of Frank into Fishers and there's an entrance off of Fulton.

Gonzalez: There's one on Frank now, there was another one. There were two of them.

Gruber: Put in close to the intersection. And that's why this works well because that gets the entrance back as far as you can get it. Thank you. Or did you have another question?

Meeks: Well, no. Just a positive note is that you did think about that obviously because that is why you are moving into the R-2 to put that there but I'm just asking you to take a hard look because as it moves forward to RPC and all this moving you may see one of us down there just stating our case, making sure that, if it passes, that the traffic pattern on Portage is made as safe as possible. We do not want to congest what we've invested in.

Gruber: That's entirely understandable and I think the developer is more than willing to work with that.

Meeks: Okay.

Pizzino moved and Meeks seconded a motion to adopt the recommendation of the Zoning Commission on Amendment 562-07.

Meeks	**yes**
Pizzino	**yes**
Burger	**yes**

Public Speaks – Open Forum

No one came forward.

Pizzino moved and Meeks seconded a motion to adjourn. **3-0 yes**

Steven Meeks	**Randy Gonzalez**