

## RECORD OF PROCEEDINGS

### MINUTES OF JACKSON TOWNSHIP BOARD OF TRUSTEES MEETING

JULY 14, 2015

Walters called the meeting to order at 5:34 p.m. at the Jackson Township Hall with all Trustees, Fiscal Officer, Lyon, Vaccaro and Boger present.

Walters moved and Pizzino seconded a motion to go into Executive Session for Public Works Department Personnel (Appointment/Employment/Compensation) – Review Labor Specialist applications. **3-0 yes**

Upon return from Executive Session at 5:52 p.m., Walters called the General Session to order with all department heads present. He requested that all cell phones be turned off at this time.

The Pledge of Allegiance was recited.

**Public Speaks** – None

#### **Administration Department**

##### **ATTACHMENT 07/14/15 A**

Walters moved and Pizzino seconded a motion to approve Budget Module No. 15-07 for Administration Building – Security Camera Network Upgrade in the amount of \$16,000.00. **3-0 yes**

##### **ATTACHMENT 07/14/15 B**

Walters moved and Hawke seconded a motion to approve Budget Module No. 15-08 for Township Hall Meeting Room Upgrade in the amount of \$34,000.00. **3-0 yes**

##### **ATTACHMENT 07/14/15 C**

Walters moved and Hawke seconded a motion to approve the appropriation transfer request from account code 329.110.5752, Property Purchase, to account code 329.110.5670, Building Equipment Upgrade, in the amount of \$50,000.00. **3-0 yes**

#### **Fire Department**

##### **RESOLUTION 15-035, ATTACHED**

**RESOLUTION ON SUBMISSION OF REQUEST TO THE STARK COUNTY AUDITOR PURSUANT TO OHIO REVISED CODE SECTION 5705.03(B) TO CERTIFY TO THE BOARD OF TRUSTEES OF JACKSON TOWNSHIP, STARK COUNTY, OHIO, 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 FOR THE RENEWAL OF AN EXISTING TAX OF SIX (6) MILLS AND INCREASE OF ONE AND ONE HALF (1.5) MILLS PURSUANT TO OHIO REVISED CODE SECTIONS 5705.19(I), 5705.191 AND 5705.25 FOR THE PURPOSE OF PROVIDING AND MAINTAINING FIRE APPARATUS, APPLIANCES, BUILDINGS, OR SITES THEREFOR, OR SOURCES OF WATER SUPPLY AND MATERIALS THEREFOR, OR THE ESTABLISHMENT AND MAINTENANCE OF LINES OF FIRE ALARM TELEGRAPH, OR THE PAYMENT OF FIREFIGHTING COMPANIES OR PERMANENT, PART-TIME, OR VOLUNTEER FIREFIGHTING, EMERGENCY MEDICAL SERVICE, ADMINISTRATIVE, OR COMMUNICATIONS PERSONNEL TO OPERATE THE SAME, INCLUDING THE PAYMENT OF ANY EMPLOYER CONTRIBUTIONS REQUIRED FOR SUCH PERSONNEL UNDER SECTION 145.48 OR 742.34 OF THE REVISED CODE, OR THE PURCHASE OF AMBULANCE EQUIPMENT, OR THE PROVISION OF AMBULANCE, PARAMEDIC, OR OTHER EMERGENCY MEDICAL SERVICES OPERATED BY A FIRE DEPARTMENT OR FIREFIGHTING COMPANY FOR JACKSON TOWNSHIP, STARK COUNTY, OHIO FOR FIVE (5) YEARS, TAX YEARS 2015, 2016, 2017, 2018, AND 2019, COMMENCING IN 2015, FIRST DUE IN CALENDAR YEAR 2016.**

Hawke moved and Pizzino 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 said Jackson Township, Stark County, Ohio, for the next five years will be insufficient to provide an adequate amount for the purpose of providing and maintaining fire apparatus, appliances, buildings, or sites, therefor, or sources of water supply and materials therefor, or the establishment and maintenance of lines of fire alarm telegraph, or the payment of firefighting companies or permanent, part-time, or volunteer firefighting, emergency medical service, administrative, or communications personnel to operate the same, including the payment of any employer contributions required for such personnel under section 145.48 or 742.34 of the Revised Code, or the purchase of ambulance equipment, or the provision of ambulance, paramedic, or other emergency medical services operated by a fire department or firefighting company for Jackson Township, Stark County, Ohio; and

Whereas, by reason thereof, this board has determined that it will be necessary for the renewal of an existing tax of six (6) mills and increase of one and one half (1.5) mills, which is in excess of such limitation, for the purpose of providing and maintaining fire apparatus, appliances, buildings, or sites therefor, or sources of water supply and material therefor, or the establishment and maintenance of lines of fire alarm telegraph, or the payment of firefighting companies or permanent, part-time, or volunteer firefighting, emergency medical service, administrative, or communications personnel to operate the same including the payment of any employer contributions required for such personnel under section 145.48 or 742.34 of the Revised Code, or the purchase of ambulance equipment, or the provision of ambulance, paramedic, or other emergency medical services operated by a fire department or firefighting company for Jackson Township, Stark County, Ohio; and

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 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 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, as taxing authority for Jackson Township, Stark County, Ohio, does hereby determine that it is necessary for the renewal of an existing tax of six (6) mills and increase of one and one half (1.5) mill, outside the ten (10) mill limitation for the purpose of providing and maintaining fire apparatus, appliances, buildings, or sites therefor, of sources of water supply and materials therefor, or the establishment and maintenance of lines of fire alarm telegraph, or the payment of firefighting companies or permanent, part-time, or volunteer firefighting, emergency medical service, administrative, or communications personnel to operate the same, including the payment of any employer contributions required for such personnel under section 145.48 or 742.34 of the Revised Code, or the purchase of ambulance equipment, or the provision of ambulance, paramedic, or other emergency medical services operated by a fire department or firefighting company for Jackson Township, Stark County, Ohio, for five (5) years, tax years 2015, 2016, 2017, 2018, and 2019, commencing in 2015, first due in calendar year 2016.

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 Jackson Township as a subdivision, and the dollar amount of revenue that would be generated by the renewal of an existing tax of six (6) mills and increase of one and one half (1.5) mills for the purpose of providing and maintaining fire apparatus, appliances, buildings, or sites therefor, or sources of water supply and materials therefor, or the establishment and maintenance of lines of fire alarm telegraph, or the payment of firefighting companies or permanent, part-time, or volunteer firefighting, emergency medical service, administrative, or communications personnel to operate the same, including the payment of any employer contributions required for such personnel under section 145.48 or 742.34 of the Revised Code, or the purchase of ambulance equipment, or the provision of ambulance, paramedic, or other emergency medical services operated by a fire department or firefighting company for Jackson Township, Stark County, Ohio, for five (5) years, tax years 2015, 2016, 2017, 2018, and 2019, commencing in 2015, first due in calendar year 2016. Ohio Revised Code Sections 5705.19(I), 5705.191 and 5705.25 authorizes submission of the question of the tax at the November 3, 2015 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.

<b>Walters</b>	<b>no</b>
<b>Pizzino</b>	<b>yes</b>
<b>Hawke</b>	<b>yes</b>

**ATTACHMENT 07/14/15 D**

Walters moved and Hawke seconded a motion to accept the attached retirement notice from Battalion Chief Timothy P. Swonger, effective July 23, 2015. **3-0 yes**

**ATTACHMENT 07/14/15 E**

Hawke moved and Pizzino seconded a motion to approve the “Then & Now” Purchase Order to Tritech Emergency Medical Systems for the Sweet Billing Support Contract. **3-0 yes**

**ATTACHMENT 07/14/15 F**

Walters moved and Hawke seconded a motion to adopt and authorize the placement of the Board President’s signature upon the attached proposal for Fire Station No. 2 HVAC Replacement from Reliable Heating and Cooling in the amount of \$12,266.00. **3-0 yes**

**Legal Department**

**ATTACHMENT 07/14/15G G**

Walters moved and Hawke seconded a motion pursuant to ORC Section 9.15 to adopt the attached Revised Indigent Burial Policy. **3-0 yes**

**Police Department**

**ATTACHMENT 07/14/15 H**

Walters moved and Hawke seconded a motion to approve Budget Module No. 2015-17 for Police Equipment – Radios in the amount of \$335,100.00. **3-0 yes**

**ATTACHMENT 07/14/15 I**

Walters moved and Hawke seconded a motion to approve the appropriation transfer request from account code 329.110.5752, General Fund, to account code 315.250.5652, Police Equipment, in the amount of \$167,500.00, from account code 234...4590, DOJ, to account code 315.250.5652, Police Equipment, in the amount of \$140,000.00, and from account code 315...4990, Police Capital, to account code 315.250.5652, Police Equipment, in the amount of \$27,600.00.

**3-0 yes**

Gonzalez said about half of that money came from drug seizures and other activity of that type. Brink said that is correct and they are very limited on what they can use that money on and that it isn't part of the Police budget.

**ATTACHMENT 07/14/15 J**

Walters moved and Pizzino seconded a motion to extend the unpaid medical leave of absence for Ben Elias effective July 19, 2015 through August 14, 2015. **3-0 yes**

**ATTACHMENT 07/14/15 K**

Pizzino moved and Hawke seconded a motion to adopt and authorize the placement of the Board President's signature upon the attached quote for 800 Radios. **3-0 yes**

**Public Works Department**

**Central Maintenance Division**

**ATTACHMENT 07/14/15 L**

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

**Park Division**

**ATTACHMENT 07/14/15 M**

Walters moved and Hawke seconded a motion to adopt and authorize the placement of the Board President's signature upon the attached Exhibition Request Form. **3-0 yes**

**ATTACHMENT 07/14/15 N**

Walters moved and Hawke seconded a motion to approve Budget Module No. 15-17 for 2013 Ford F150 Truck Purchase in the amount of \$21,444.00. **3-0 yes**

**ATTACHMENT 07/14/15 O**

Walters moved and Hawke seconded a motion to approve the appropriation transfer request from account code 214.510.5220, Hospitalization, to account code 214.510.5652, Park Equipment, in the amount of \$21,444.00. **3-0 yes**

Walters moved and Hawke seconded a motion to accept a \$500.00 donation to the Parks from Troy Gardner. **3-0 yes**

**Highway Division**

**RESOLUTION 15-036, ATTACHED  
AGREEMENT WITH STARK COUNTY COMMISSIONERS FOR  
DRESSLER/UNIVERSITY RESURFACING**

Walters moved and Hawke seconded a motion that we adopt and authorize the placement of the Board of Trustees' signatures on the attached agreement with the Stark County Commissioners for the Dressler Road/University Street Resurfacing Project. **3-0 yes**

**ATTACHMENT 07/14/15 P**

Walters moved and Hawke seconded a motion to approve Budget Module No. 2015-28-A for Leaf Drop Off Area Camera in the amount of \$9,585.00. **3-0 yes**

**ATTACHMENT 07/14/15 Q**

Walters moved and Hawke seconded a motion to approve the appropriation transfer request from account code 204.310.5387, Discretionary, to account code 204.310.5493, Debris Drop Off, in the amount of \$9,585.00. **3-0 yes**

**Zoning & Planning Department**

**RESOLUTION 15-037, ATTACHED  
NOXIOUS WEEDS – 6817 WISE AVENUE NW, PARCEL NO. 16-00087, JACKSON  
TOWNSHIP, OHIO**

Walters moved and Hawke seconded a motion whereas, the Jackson Township Board of Trustees, having been informed in writing that noxious or other harmful weeds are growing on the lands in charge of Taurus Properties, LLC in Jackson Township described as follows: 6817 Wise Avenue NW, Parcel No. 16-00087, Jackson Township, Ohio.

Be it resolved that said Taurus Properties, LLC, whose tax mailing address is PO Box 2849, North 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 October 31, 2015. If the owner fails to meet this obligation within the five-day period, or the subsequent 30 day periods, the Township will mow at \$50.00 per hour with a \$400.00 minimum charge per lot or parcel. As stated in our prior courtesy letter to you, pursuant to ORC Sections 5579.06 and 5579.07, a \$150.00 administrative fee per lot or parcel will be placed on your tax duplicate. **3-0 yes**

**ATTACHMENT 07/14/15 R**

Walters moved and Hawke seconded a motion that the Jackson Township Board of Trustees, Stark County, Ohio, hereby makes report and certified that on the 22<sup>nd</sup> day of May it was informed in writing that noxious weeds were growing on lands of Bernard & Mary P. Ferrante in Jackson Township and were about to spread and mature seeds; said lands being described as follows: 4897 Hills & Dales Road NW, Parcel No. 17-0122, SW Qtr. Section 25, Jackson

Township, and thereupon said Jackson Township Trustees adopted and serviced a resolution requiring that said noxious weeds be cut or destroyed.

The following is a statement of the charges for:

Administrative Fee	\$150.00
Labor, materials, and equipment used	<u>\$450.00</u>
TOTAL	\$600.00

You are hereby requested to cause such amount, when allowed, to be entered upon the tax duplicate and to be a lien upon the above-described real estate, from and after the date of the entry, and to be collected as other taxes and returned to the Township to be placed in the Township general fund. **3-0 yes**

**ATTACHMENT 07/14/15 S**

Walters moved and Hawke seconded a motion that the Jackson Township Board of Trustees, Stark County, Ohio, hereby makes report and certified that on the 20<sup>th</sup> day of May it was informed in writing that noxious weeds were growing on lands of Christian P. Hammond in Jackson Township and were about to spread and mature seeds; said lands being described as follows: 8631 Lutz Avenue NW, Lot #100, Scenic Wonderland Hills No. 11, Parcel No. 16-08647, NE Qtr. Section 06, Jackson Township, and thereupon said Jackson Township Trustees adopted and serviced a resolution requiring that said noxious weeds be cut or destroyed.

The following is a statement of the charges for:

Administrative Fee	\$150.00
Labor, materials, and equipment used	<u>\$400.00</u>
TOTAL	\$550.00

You are hereby requested to cause such amount, when allowed, to be entered upon the tax duplicate and to be a lien upon the above-described real estate, from and after the date of the entry, and to be collected as other taxes and returned to the Township to be placed in the Township general fund. **3-0 yes**

**Fiscal Office**

**ATTACHMENT 07/14/15 T**

Hawke moved and Pizzino seconded a motion to pay the bills in the amount of \$1,831,377.86. **3-0 yes**

**ATTACHMENT 07/14/15 U**

Hawke moved and Pizzino seconded a motion to approve the minutes of the June 23, 2015 Board of Trustees' meeting. **3-0 yes**

**ATTACHMENT 07/14/15 V**

Hawke moved and Walters seconded a motion to approve the June 2015 Financial Reports. **3-0 yes**

## **Routine Business**

### **Announcements**

- Next regular Board of Trustees meeting, July 28, 2015, 4:00 p.m., Executive Session and/or Work Session; 5:00 p.m., General Session, Township Hall.
- CIC Work Session, July 27, 2015, 3:30 p.m., Township Hall.
- CIC Meeting, August 20, 2015, 8:00 a.m., Township Hall.
- LOGIC, August 6, 2015, 9:00 a.m., Safety Center, Chiefs' Conference Room.
- Board of Zoning Appeals:
  - July 23, 2015, 5:30 p.m., Township Hall.
  - August 13, 2015, 5:30 p.m., Township Hall.
- Jackson Township Recycling Station Board, July 22, 2015, 11:00 a.m., Buehler's Community Room.
- Bicentennial Committee, August 14, 2015, 6:30 p.m., Jackson Old School House on Fulton Road.
- Citizens Advisory Committees:
  - Community Celebration, September 9, 2015, 5:30 p.m., Township Hall.
  - Park, October 14, 2015, 6:30 p.m., Township Hall.
  - Highway/Traffic, November 18, 2015, 6:30 p.m., Township Hall.
- Friends of the Park, October 14, 2015, 7:00 p.m., Township Hall.
- Farmers Market, every Thursday through October 1, 3:00 – 6:30 p.m., Jackson North Park.
- Pro-Football Hall of Fame Enshrinement Festival Balloon Classic and Jackson-Belden Music Fest and Fireworks – Friday, July 31, and Saturday August 1, 4:30 – 11:30 p.m., Kent State Stark Campus, 6000 Frank Avenue NW, Jackson Township.

- Movie in the Park and Jazz Concert – Enjoy free entertainment on Friday, August 21, 2015. “The Jazz Workshop” Concert begins at 6:30 p.m. and the Disney Movie “Big Hero 6” will be shown at 8:30 p.m. in Jackson North Park on Fulton Drive across from Jackson High School.
- Thank you to Township Park, Police, Fire, Administration, Legal, Public Works and Zoning Departments, Celebration Committee members, volunteers, Jackson Local School District, Jackson-Belden Chamber of Commerce, SARTA, and all sponsors for contributing to the success of our 2015 Community Celebration.

**Public Works Department**

**Highway Division**

Boger opened the bids received for the 2015 Roadway Striping Project.

Oglesby Construction	\$66,170.94
AA Safety Inc.	\$49,218.40
JD Striping	\$49,757.20

Boger will review the bids and return with a recommendation to the Board.

**Zoning & Planning Department**

**ATTACHMENT 07/14/15 W**

Poindexter told the Board that Amendment 618-15 was applied for by Wayne Valentine, 5631 Comanche who is the agent for Scott Valentine of 5806 Portage. She said the property involved is 5806 Portage which consists of .79 acres at the Northeast corner of Portage and Oakcrest to be rezoned from R-1 Single Family Low Density Residential to R-4 Multi-Family Residential District. She said RPC heard this amendment in June and recommended denial. She said this appeared before the Zoning Commission on June 18 and they also recommended denial.

Walters opened the hearing and asked if anyone wanted to speak in favor of the amendment.

Scott Valentine, 5806 Portage St., said the main concerns voiced at the last hearing were traffic concerns. He said Portage is a four lane street and the property is less than two miles from the Strip and there will be traffic in that area regardless. He said it would benefit the community if there was an apartment complex on the property because it is a growing township.

Walters asked if anyone else wanted to speak in favor of the rezoning.

Wayne Valentine, 5631 Comanche, said his son bought the property with the hope of eventually building something else there. He said his son has lived there five years and there is traffic there but he still hopes to be able to build a six or eight unit apartment or even a duplex. He pointed out that it would benefit the township and upgrades the property.

Walters asked if anyone else wanted to speak in favor of the amendment. No one came forward. He closed that portion of the hearing and asked if anyone wanted to speak against the amendment.

Wendy Hensel, 5805 Portage St., said she spoke at the Zoning Commission hearing against the rezoning. She said her reasons were not just the increased traffic but also the concentration of more people. She said there is an apartment building across the street and she is concerned that if there is another concentrated apartment building with more people that it would drive the area's home sales down. She said there would be more noise, more lights, and more people in and out of the intersection.

Walters asked if anyone else wanted to speak against the amendment. No one came forward. He then closed that portion of the hearing.

Pizzino said he agrees with Ms. Hensel that with the apartments already in the area there would be additional traffic and congestion even using the side streets mentioned by Mr. Valentine. He said he could see and recommend two units on that property.

Hawke said the comments made by Mr. Pizzino are along the same lines that he was going. He said he 'thinks the R-2 would be better.'

Walters moved and Hawke seconded a motion to adopt a modification of the recommendation of the Zoning Commission to R-2. **3-0 yes**

#### **ATTACHMENT 07/14/15 X**

Poindexter told the Board the applicant for Zoning Amendment 619-15 is Mike Kochovski, 5151 Foxchase Ave., who is the agent for James and Rexine Siemund, 6639 Glengarry. She said this to rezone parcel 1629937 Lake O'Springs NW from R-1 Single Family Low Density Residential District to R-2 Two Family Residential District. She pointed out the property consists of .63 acres of a .72 acre tract located on the west side of Lake O'Springs approximately 300 feet north of Lakewood. She said RPC heard the request in June and recommended approval. She said the Zoning Commission heard the request on June 18 and they recommended denial.

Walters opened the public hearing and asked if anyone wanted to speak for the amendment.

Mike Kochovski, 5151 Foxchase Ave., said the lot is 85 foot wide in front and 325 feet deep. He said it is a square lot and where the duplex would be the lot is 110 feet wide. He pointed out that there are several duplexes south of this property and that this lot is perfect as a duplex lot.

James Siemund, 5531 Glengarry, said they contacted Mr. Kochovski for advice and recommendations of what could be done with the lot.

Walters asked if anyone else wanted to speak in favor of the rezone. No one came forward. He closed that portion of the hearing.

Walters asked if anyone wanted to speak against the amendment.

Mark Gordon, 6120 Sailboat Circle NW, at the southwest of the western corner of the property. He said he purchased his property because it did not share a boundary with any R-2 property. He said he purchased another parcel adjacent to his property also partly because it did not abut any R-2 property. He said he vehemently opposed the zone change. He said the zoning change would have a negative effect on his primary residence and that the new duplex would be about 60 feet from his back door. He asked the Board not to approve this zone change.

Walters asked if anyone else wanted to speak against the amendment. No one came forward. He then closed that portion of the hearing. Walters asked the petitioners if they wanted to speak in rebuttal.

Mike Kochovski said the lot is 325 feet deep with the building being about 75 feet from the road. He said it would be over 300 feet from the property owner's house to the back wall of the duplex. He said there are trees along the property line that are 25 to 30 feet high.

Walters moved and Hawke seconded a motion to deny the recommendation of the Zoning Commission meaning that the rezone is granted. **3-0 yes**

#### **ATTACHMENT 07/14/15 Y**

Poindexter explained that Zoning Amendment 621-15 is for text changes requested by the Trustees. She said this was considered by RPC at the June meeting where they recommended approval of a modification. She said the Zoning Commission considered this on June 18 and recommended approval but also added modifications which included inground swimming pool regulations which would allow an automatic pool cover that meets the American Society of Testing Materials Standards in lieu of a wall or fence for inground pools on five acres or greater.

Walters asked if anyone would like to speak in favor of the amendment. No one came forward. He closed that portion of the hearing.

Walters asked if anyone would like to speak against the amendment. No one came forward. He closed that portion of the hearing.

Walters moved and Hawke seconded a motion to adopt the recommendation of the Zoning Commission. **3-0 yes**

#### **ATTACHMENT 07/14/15 Z**

Poindexter told the Board that Zoning Amendment 620-15 applicant is DeVille Enterprises agent for Willmary Investments Ltd and Joseph and Patty Mahoney. She said the request is to rezone R-R to R-4 Multi-Family Residential District and R-3 Residential Planned Unit Development District. She said it is for three parcels totaling 38.52 acres on the southeast corner of Brunnerdale and Hills and Dales. She said it went to RPC in June they recommended approval of a modification with the modification being to establish between the proposed R-3 and existing R-R to the south a 100 foot minimum building set back distance within the southern portion of the proposed R-3 district. She said the Zoning Commission recommended approval as submitted by the applicant at the June 18 meeting.

Walters opened the hearing for Zoning Amendment 620-15 and asked if anyone wanted to speak in favor of the zoning amendment.

Don DeVille whose office address is 4811 Whipple Ave. N.W. Suite 101, thanked RPC, Jackson Township Zoning Commission and the Trustees for taking the time to hear the request. He pointed out that the previous requests were approved with modifications by the Zoning Commission. He reviewed the Exhibit Book prepared by DeVille Enterprises LLC. He pointed out that the proposal also includes property currently owned by Joe and Patty Mahoney which he will purchase.

Brian Ashman whose office address is 1359 Market Ave. N., Canton, Ohio, a partner at Cooper and Associates who are the engineers for the development. He said there have been numerous traffic studies done in that area and the studies show that there are no traffic problems in that area. He pointed out that the R-4 Multi-family housing access would be onto Brunnerdale at Groton Street which would allow the best potential access point and the greatest amount of intersection site distance and the least amount of interaction between the intersection of Groton and the proposed entrance. He said they have been informed by the Stark County Engineers that access onto Hills and Dales is not permitted unless there are some modifications to the roadway by the County Engineer.

Mr. DeVille pointed out some other aspects that are planned for the property such as a gated emergency only entrance. He pointed out that there are portions of the property that have been designated wet lands by the Army Corp of Engineers. He pointed out that “they are regulated by the Corps and he is bound by and must comply with their jurisdictional determination in permitting process.” He pointed out that he has a buffer zone of detached single family between all existing single family homes.

Brian Ashman spoke again and began by stating his qualifications. He said he is a licensed engineer and has been doing hydraulic engineering studies for over 30 years. He presented a copy of the FEMA flood plain map. He pointed out that several residents have expressed concern over an increased chance of flooding. He said that the flooding that has occurred in the past is because of current conditions and any building done on the property under discussion will not increase the chance of flooding. He showed a USGS map of the area to show the drainage basin for that area. He said that included in the development are several storm water management basins.

Walters asked if anyone else would like to speak in favor of the zoning amendment.

Mike Pachan with Willmary Partners, 1004 Overdale Ave. N.W., said he and his partners are unanimous in support of Mr. DeVille’s residential community. He said they appreciate his approach to addressing and resolving the issues that have been raised. He said he and his partners believe the plan being presented “is a well-conceived and well designed residential community that incorporates the quality standards that are characteristic of Jackson Township while responding to the changing demographics and lifestyles.”

Walters asked if anyone else would like to speak in favor of the zoning amendment. No one came forward. He then closed that portion of the hearing. He called a short break.

Upon return, Walters called the meeting back to order. He asked if anyone wanted to speak against the zoning amendment.

Richard Stockton, 3344 Trillium Ave., thanked the Trustees for allowing the residents to speak on this matter. He said he was surprised when he learned there had been another application had been made by the same applicant since the previous application for 135 units had been denied. He said now the application is for 211 units and is an affront to the neighborhood, the nearby community, Jackson Township and the Trustees. He said the intersection at Brunnerdale and Hills and Dales is one the busiest and most dangerous in the township. He brought up the current problems they have had with flooding and said that the community wants to know how they will be protected from flooding before any zoning change is granted. He told the Board that at the last hearing they were informed that one of the residents would be “severely injured by this rezoning”. He said the property at 3574 Brunnerdale Avenue would be completely enveloped by 135 multi-family apartments. He pointed out that under the current plan this neighbor must contend with 185 apartments. He said this is spot zoning at its worst.

Cory Thompson, 5818 Echodell Ave. N.W., said he does not live in the area of the rezoning request but his children attend Lake Cable Elementary School which the rezoning will affect. He said his concern is there is a potential of 185 individuals that are not paying property tax and yet a possible 270 individuals that have the ability to vote on levies which affects the tax base of homeowners. He asked if this is allowed to happen, where will it stop? He said he isn't opposed to growth as long as it is positive growth.

Heather Crawford, 3424 Brunnerdale Ave. N.W., said her property is connected to the proposed rezoned area and she has all the same concerns. She said her main concern is the traffic and the safety of the children and school busses.

Jason Crawford, 3424 Brunnerdale Ave. N.W., pointed out that in the applicant's presentation they mentioned .76 to 1.0 traffic pattern on Brunnerdale and that to him means that it's 76% over capacity now. He also pointed out that he has seen numerous accidents on Groton. He said there are too many what ifs in the R-4 portion of the plan to allow the residents to make an educated decision.

Dave Miller, 5804 Hills & Dales, said he agrees with the reasons mentioned in opposition which have been submitted to the Trustees by various methods. He said his number one concern because of the location of his lot and that is no one has mentioned a ditch that runs into Sippo Creek. He said that the creek has come very close to flooding but it didn't flood. He said it's satisfying to know that the design of the ditch and creek is able to handle what we get. He said single family homes would be a better solution since there would be yards, foliage, trees – things that would be in place to help mitigate possible flooding.

Elka Miller, 5804 Hills & Dales, said she is also opposed. She said she sent a picture to the Trustees of the ditch in their backyard after the hard rain last week. She said the developer

doesn't live in the area so any flooding doesn't affect him. She said it is a hardship on the residents to have to keep coming back to oppose the rezoning requests being made. She said that rural residential is what they bought and that is what it should stay. She said no one is against the development of the property, they just want it to stay rural residential.

Kim Vincent, 3389 Waterford N.W., said he collected signatures last week and everyone he spoke to was against this. He said he has lived around apartments and they are a lot of trouble.

William Moore, 6023 Heather N.W., said he is concerned about the traffic even with access from Trillium and Hills and Dales. He said he's lived here 30 years and at times he's given up trying to turn left because of the amount of traffic.

Tad Ries, 3300 Dellwood N.W., he said in 1995 he bought a house on Burl Street in Jackson Township and has three children, one has gone through the school system and the other two are still in school. He said when he left Burl Street he wasn't going to leave Jackson Township because of what it is to be in Jackson Township. He said that Jackson Township does a great job, that they make things happen, and they are right and that's why the school is so good, and the reason businesses come into the area. He said that area was zoned R-R for a reason. He said he doesn't oppose any building there, that he is all for growth, but it is zoned R-R for a reason.

Ken Rankin, 3350 Cornwall N.W., he said Mr. Ries is right, that they live in Jackson Township and they expect certain things. He said one of them is the school system. He said regarding the flooding that nothing is going to happen until the ditch is cleaned out all the way down. He said the drainage problem is not going to go away, it will only get worse. He said he is glad to learn that the traffic going past his house is only at three quarters capacity.

Robin Snow, 4685 Brunnerdale, said she and her husband have lived there for 40 years and their house sits close to the road. She said she has met some very nice people who have skidded off the road into their front yard. She said traffic is an issue. She said she is not against growth but as a district grows and adds buildings or increases the size of the buildings the character of the district changes. She said she didn't want to see that happen and would like to see more planned and controlled growth that feeds into the school system.

Barbara Memmer, 3627 Barrington Pl. N.W., which are the condos along Hills and Dales and Brunnerdale, said last September bought a condo there but previously owned a home in Massillon. She said she could have gone to an apartment but chose to be another home owner because she would rather pay the taxes where her grandchildren go to school and to keep the integrity of the community. She said when you have more apartments with more people paying less in taxes it is not good for our roads, the schools, or the children and grandchildren. She said we need to keep as much money in the school system as possible.

Joe DeMangent, 5866 Heather, complemented Mr. DeVille on his presentation and said if that project was in the right place it would be superb, but it's not the right place. He said the Trustees have done a great job. He presented packets of information to the Trustees to illustrate his presentation.

Susan Sigmon, 3178 Trillium Ave., said this is her childhood home and she went 12 years through the Jackson School system. She pointed out that they are back debating the same request with the same issues. She said the facts have not changed but the number of units has gone from 135 to 208. She urged the Trustees to oppose the request.

Todd Hunter Hall, 3330 Dellwood Ave. N.W., pointed out that this is the third rezoning petition in the last year and there are significant issues. He said he spoke at the Zoning Commission meeting several weeks ago and he “never felt so dismissed in his entire life. It was a fait accompli.” He said he didn’t know why the Zoning Commission even had a hearing. He requested that the Trustees leave the zoning as R-R. He said one issue that has not been raised regarding the R-3. He asked who made the determination to open up the dead end streets of Trillium and Dellwood to private roadways of this development. He showed some photos of the area. He thanked the Board for their time and the neighbors who spent time preparing for this hearing. He asked that the Board take into consideration the input of the residents as they weigh their decision and understand that the decision will have permanent and irreversible impacts to Jackson Township.

Debra Johns, 3167 Edinburg Ave., asked the Trustees if they approve the zoning change could she come back and ask why they approved it.

Walters told her she could.

Gary John, 3167 Edinburg Ave., said when that property was purchased the purchaser knew what it was zoned as and that there is an opportunity to make some money on that land and that would be the right way to make money. He said that there is one individual saying that the zoning and everyone else is wrong and that isn’t right.

Walters asked if anyone else wanted to speak against the zoning change. No one came forward. He then closed that portion of the hearing. He asked Mr. DeVille if he would like to speak in rebuttal.

Mr. DeVille gave the Trustees some additional maps that shows their plans for water and wetlands report. He reiterated that he has not proposed to build 211 units, that it was only the “allowable condition relative to the R-4 and R-3 districts.” He also quoted from a letter to the editor. He said everyone was allowed to speak at the Zoning Commission meeting, the Stark County Regional Planning meeting and at this meeting. He reiterated that he has submitted reports proving that the no hydric soils will be removed and that storm water management plans have been submitted.

Mike Gruber, attorney for the developer, whose office is at 6370 Mt. Pleasant, said regarding the comment made about bringing the streets off the two streets in Springdale Allotment, there is no legal issue. He said it is perfectly permitted. He said there is something the Stark County Prosecutor’s office is looking into but it has nothing to do with this development or this developer. He said there can be an issue with coming off a dead end street but Trillium and Dellwood are not designated dead end streets on the plat so there is no legal issue in connecting to those streets.

Mr. DeVille said he would like Mr. Ashman to speak again regarding questions about the engineering. He said the powers that control the storm water management issues is the Stark County Regional Planning Storm Water Management. He said that the site plan for the R-4 not only goes through the Board of Zoning Appeal but the Trustees have the authority to review the plans.

Mr. Ashman pointed out that there are very good reviewing agencies in place in Stark County. He said the Sub-division Engineering Department has never been as rigid as they are now. He said the regulations that they are required to meet far exceed what was presented in the EPA communication. He assured everyone that they are not creating a scenario that will make things worse; they are trying to do things right and there are the regulators that will be checking his work and to make certain that it is done properly.

Mr. DeVille asked the Trustees to uphold the recommendation of the Stark County Regional Planning Commission and Jackson Township Zoning Commission's unanimous approval.

Walters closed that portion of the hearing.

Walters asked Mr. DeVille if he would like the R-3 and the R-4 to be separated so there could be a separate vote on them. Mr. DeVille answered that he would not.

Walters said that they have had a lot of additional information provided tonight and he suggested that they have more time to review that information.

Pizzino said both sides have spent a lot of time getting the information together and that the Trustees need the time to look at it.

Walters pointed out that they have 20 days to reach a decision. He pointed out that the process from RPC to Township Zoning Commission to the Trustees is a State law, not a Township designed process.

Gonzalez pointed out that the Trustees have faced these same problems in the past. He said that they are required by law to send out letters to the adjoining property owners. He said since they are not always the only ones involved or concerned about zoning changes, the Trustees started posting the signs on the parcels involved.

Hawke pointed out that they are also using the Facebook page to get information to the residents.

Walters moved and Pizzino seconded a motion to close this portion of the hearing and continue at the July 23 meeting. **3-0 yes**

**Old Business** – none

**New Business** – none

## **Public Speaks – Open Forum**

No one came forward.

Walters moved and Hawke seconded a motion to go into Executive Session for Public Works Department Personnel (Appointment/Employment/Compensation). **3-0 yes**

Walters moved and Hawke seconded a motion to go into Executive Session to prepare for and review negotiations or bargaining sessions with public employees concerning their compensation or other terms and conditions of their employment. **3-0 yes**

Walters moved and Hawke seconded a motion to close this portion of the hearing and continue on July 23 at 6:30 p.m. **3-0 yes**

Upon return from Executive Session at 11:00 p.m., Walters moved and Hawke seconded a motion to adjourn. **3-0 yes**

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**James Walters**

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**Randy Gonzalez**