

## RECORD OF PROCEEDINGS

### MINUTES OF JACKSON TOWNSHIP BOARD OF TRUSTEES MEETING

JUNE 11, 2007

Meeks called the meeting to order at 5:33 p.m. at the Jackson Township Hall with all Trustees, Fiscal Officer, Lyon, Fitzgerald, Ruwadi, Neftzer, Poindexter, Moore, and Shreiner for Chief Heck.

Meeks moved and Burger seconded a motion to go into Executive Session for Park Personnel (Appointment/Employment/Compensation) – Interview park maintenance worker. **3-0 yes**

Upon return from Executive Session, Meeks opened the Work Session at 5:48 p.m.

#### **Work Session**

Paul Biedenbach told the Board about the path that has been made and used for the past ten years by residents on the southwest side. This path runs off Shadycrest into the bog then joins the bog trail to the high school, library, and other locations in the Fulton – Wales area. Homes are now being built in an area where the path runs and the State would like the homemade path through the bog to be abandoned, also.

The Board agreed that it was important to have pedestrian access to the parks, library, etc. It was suggested that Mr. Biedenbach prepare a map marking the current path and property owners in the area. This information could then be shown to Stark Parks and they might be interested in being involved with this project.

Mr. Biedenbach also brought up some possible uses for Devonshire Park. The Advisory Committee suggested subleasing it directly from the Stark County Commissioners, bypassing the Stark County Park District. Also, he has heard that Lake Cable has money set aside to level the dredge sites. He would like to work with the Lake Cable Association to develop baseball fields in that leveled area.

There was further discussion about drainage, acreage and the cost to prepare the land for use. Mr. Biedenbach was asked to provide information on the amount of acreage that would be available.

At 6:10 p.m., Meeks called the General Session to order with all department heads present except Chief Heck who was represented by Deputy Chief Shreiner. Meeks requested that all cell phones and pagers be turned off at this time.

The Pledge of Allegiance was recited.

**Public Speaks** – None.

## **Fire Department**

### **RESOLUTION 07-049, ATTACHED**

Meeks moved and Pizzino seconded a motion whereas, Resolution No. 07-039 is incorporated herein, and the attached listed persons have successfully completed a medical evaluation as to the condition of the individual as it relates to the performance of the duties of a Fulltime Firefighter/Paramedic, background check, negative drug screen and other testing requirements.

Be it resolved that, pursuant to the Fulltime Firefighter hiring policy, the Township's Personnel Hiring Policy and pursuant to ORC Section 505.38, we appoint the attached listed persons to the position of Fulltime Firefighter/Paramedic, effective June 22, 2007, at the respective listed times.

Be it further resolved that the above Fulltime Firefighter/Paramedic appointees shall serve a one year probationary period after full certification, shall continue to maintain all required certifications and shall receive the compensation rate and other benefits as provided in the Negotiated Agreement with Jackson Township Firefighters Local 2280. **3-0 yes**

Meeks administered the oath to Jeffrey McDonough, Jason Robinson, Luke Ediger and Anthony Hercules. A five minute recess was called to allow for pictures to be taken.

### **ATTACHMENT 06/11/07 A**

Meeks moved and Pizzino seconded a motion to approve the appropriation transfer request from account code 228.210.5385, Other Expense, to account code 228.210.5902, Refunds, in the amount of \$6,000.00. **3-0 yes**

## **Legal Department**

### **RESOLUTION 07-050, ATTACHED**

Meeks moved and Pizzino seconded a motion to adopt and authorize the placement of the Board's signature upon the attached Agreement with the City of North Canton. **3-0 yes**

### **RESOLUTION 07-051, ATTACHED**

Meeks moved and Pizzino seconded a motion to adopt and authorize the placement of the Board's signatures upon the attached Mutual Aid Agreement with the Stark County Park District. **3-0 yes**

### **ATTACHMENT 06/11/07 B**

Meeks moved and Burger seconded a motion to adopt and authorize the placement of the Board President's signature upon the attached Jackson Township Community Celebration Contracts. **3-0 yes**

## **Park Department**

### **ATTACHMENT 06/11/07 C**

Meeks moved and Burger seconded a motion to authorize the hiring of Thomas E. Guist as a park maintenance worker, through the temporary service, subject to a negative drug screen, at the

rate of \$8.00 per hour, effective June 13, 2007, per the recommendation of the Park/Operations Director. **3-0 yes**

**ATTACHMENT 06/11/07 D**

Meeks moved and Pizzino seconded a motion to authorize the placement of the Board's signature upon the following Proclamation.

Whereas, parks and recreation activities enhance the physical health and mental well-being of individuals, work forces, and communities and

Whereas, participation in recreation programs builds self-esteem and provides positive and constructive alternatives to anti-social behavior, and

Whereas, parks and recreation opportunities and open space enhance the desirability of communities as locations for business, industry, and residential housing, and

Whereas, parks and recreation stimulates tourism revenues and the economic development of communities, and

Whereas, parks and open space are vital to the appearance and livability of communities, protect out air and water, and balance our ecosystem, and

Whereas, it is the right of everyone regardless of age, race, color, religion, gender, national origin or ability to participate in parks and recreation programs and activities and enjoy parks and open space.

Now therefore be it resolved that we, the duly elected Board of Trustees of Jackson Township, Stark County, Ohio, hereby proclaim July as Parks and Recreation Month in Jackson Township, Stark County, Ohio and encourage citizens of this community to join with citizens of other communities throughout this great state in recognizing that parks and recreation services are essential to the quality of life not only in July during "July is Parks and Recreation Month", but all through the year as well. **3-0 yes**

**ATTACHMENT 06/11/07 E**

Crystal Sereno updated the Board on attractions and changes at the Community Celebration to be held June 20 through June 23.

**Administration Department**

**ATTACHMENT 06/11/07 F**

Meeks moved and Burger seconded a motion to approve the Prescription Benefits Management Agreement amendment to the Caremark agreement. **3-0 yes**

## **Fiscal Office**

### **ATTACHMENT 06/11/07 G**

Meeks moved and Burger seconded a motion to pay the bills in the amount of \$429, 890.91.

**3-0 yes**

### **ATTACHMENT 06/11/07 H**

Meeks moved and Burger seconded a motion to approve the minutes of May 29, 2007 Board of Trustees meeting.

**3-0 yes**

### **ATTACHMENT 06/11/07 I**

Meeks moved and Burger seconded a motion to approve the May financial reports.

**3-0 yes**

## **Routine Business**

### **Announcements**

- Next regular Board of Trustees meeting, June 25, 2007, 4:00 p.m. Executive Session and/or Work Session, 6:00 p.m., General Session, Township Hall.
- CIC, June 26, 2007, 5:00 p.m., Township Hall.
- LOGIC, July 5, 2007, 9:00 p.m., Safety Center, Chiefs' Conference Room.
- Board of Zoning Appeals, June 14, 2007, 7:00 p.m., Township Hall.
- Zoning Commission, June 21, 2007, 5:00 p.m., Township Hall.
- Citizens Advisory Committees:
  - Park, June 12, 2007, 6:30 p.m., Township Hall.
  - Highway/Traffic, August 15, 2007, 6:30 p.m., Township Hall.
- Jackson Community Celebration, June 20 – June 23, 2007, North Park.

## **Old Business**

Gonzalez reminded the Board that he and Mr. Burger would be attending the SCOG meeting on Tuesday, June 12.

## **New Business**

None.

## Highway Department

### ATTACHMENT 06/11/07 J

Boger explained the request for \$10,000.00 for “If Authorized” Ongoing Construction Services for the Fulton/Wales Project.

Meeks pointed out that he has been asking for an update on the gas line relocation for three years and is still waiting for it.

Boger reported that he has spoken with Mike Rekstis who has been in contact with someone at Dominion who is very close to meeting with the Trustees to explain the situation and to revise the estimate.

Pizzino and Burger agreed with Meeks.

No further action was taken.

### ATTACHMENT 06/11/07 K

No action was taken on Budget Module 22-D-07 for the ongoing construction and utility coordination services (“if authorized” plus) for the Fulton/Wales intersection.

### ATTACHMENT 06/11/07 L

No action was taken on the appropriation transfer request for the Fulton/Wales design.

### ATTACHMENT 06/11/07 M

Meeks moved and Pizzino seconded a motion to approve Highway Budget Module 1-A-07 for backup radio system in the amount of \$9,000.00. **3-0 yes**

### ATTACHMENT 06/11/07 N

Meeks moved and Pizzino seconded a motion to approve the appropriation transfer request from account code 204.310.5387, Discretionary, to account code 204.310.5522, Building Maintenance, in the amount of \$9,000.00. **3-0 yes**

### RESOLUTION 07-052, ATTACHED

Meeks moved and Pizzino seconded a motion to adopt and authorize the placement of the Board President’s signature upon the attached Agreement with the Ohio Department of Transportation for the purchase of Rock Salt. **3-0 yes**

### ATTACHMENT 06/11/07 O

Boger updated the Board on the closing of Portage Street at Lutz Avenue.

Boger opened the Resurfacing bids at 6:20 p.m.

Central Allied Enterprises	\$630,773.21 base bid
Superior Paving Materials	\$489,459.33 base bid
Northstar Asphalt	\$539,403.33 base bid

Shelley Company \$638,886.43 base bid  
Hissong Paving Company \$762,594.70 base bid

At 6:25 p.m., Boger opened the Paint Striping bids.

Oglesbay Construction, Inc. \$46,506.45  
JD Striping and Services, Inc. \$46,543.01

### **Zoning & Planning Department**

#### **RESOLUTION 07-053, ATTACHED**

Pizzino moved and Burger seconded a motion whereas, the Jackson Township Board of Trustees, having been informed in writing that noxious weeds are growing on the lands in charge of James P. & Regina A. McNutt, in Jackson Township, described as follows: Parcel No. 1600080, 7004 Lake O'Springs NW, North Canton, OH 44720.

Therefore, be it resolved that said James P. & Regina A. McNutt, whose tax mailing address is 1721 Moon Lake Blvd, Suite 400, Hoffman Estates, IL 60169, 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 07-054, ATTACHED**

Pizzino moved and Burger seconded a motion whereas, the Jackson Township Board of Trustees, having been informed in writing that noxious weeds are growing on the lands in charge of Terri L. Jones, Jackson Township, described as follows: Parcel No. 1603955, at 8565 Opal St NW, Jackson Township.

Therefore, be it resolved that said Terri L. Jones, whose tax mailing address is 8565 Opal St. NW, Massillon, OH 44646, 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**

At 6:30 p.m., Meeks opened the public hearing for Zoning Amendment 555-07.

**ATTACHMENT 06/11/07 P**

Poindexter entered into the record the facts and background of the amendment. The property owner is Stump Hill Farm, 6633 Klick St. S.W., Massillon, OH. The applicant is Paul Tomko, 6741 Big Creek Parkway, Middleburg Heights, OH. The proposal is to rezone 12.7849 acres, more or less, of a 16.37 acre tract, parcel 1700145, located on Castlebar NW, from R-2 (Two Family Residential District) and B-3 (Commercial Business District) to R-3 (Residential Planned Unit Development District). Stark County Regional Planning Commission recommended approval on February 6, 2007. On February 15, the request was heard by the Zoning Commission which recommended denial of the request.

Meeks commended the neighbors in the area for their comprehensive statement of the facts regarding the area and the wetlands.

Meeks asked if anyone would like to speak on behalf of the applicant. No one came forward. He asked if anyone would like to speak against the zone change. No one came forward.

Meeks moved and Pizzino seconded a motion to adopt the recommendation of the Zoning Commission to deny Zoning Amendment 555-07.

<b>Meeks</b>	<b>yes</b>
<b>Burger</b>	<b>yes</b>
<b>Pizzino</b>	<b>yes</b>

At 6:45 p.m., Meeks opening the public hearing for Zoning Amendment 561-07.

**ATTACHMENT 06/11/07 Q**

Poindexter presented the information regarding Zoning Amendment 561-07. The applicant is the Jackson Township Zoning Commission. The request is for proposed text changes to the zoning resolution including adding language for outdoor wood burning furnaces. The Stark County Regional Planning Commission heard the proposal on May 8 and recommended approval. The Zoning Commission heard this matter on May 17 at which time they recommended approval.

Meeks moved and Pizzino seconded a motion to adopt the recommendation of the Zoning Commission to approve Zoning Amendment 561-07.

**3-0 yes**

At 7:00 p.m., Meeks opened the public hearing for Zoning Amendment 560-07.

**ATTACHMENT 06/11/07 R**

Poindexter presented the information regarding Zoning Amendment 560-07. The property owner is Herbert Schalmo. The applicant is David Hart, Quest Development. The proposal is to rezone from R-R Rural Residential District to R-3 Residential Planned Unit Development District, 28.431 acres, more or less, on the northeast corner of Portage and Lutz. The Zoning Commission has recommended approval.

Hart: I came prepared. Joni and I worked on Friday to get photos. I have larger glossy photos and can answer any questions and if you'd like me to put them up for the public's view, I can or I can pass them around. I believe that the Township has an engineer here that actually did a sight distance study for the Township and I don't know, sir, if you'd like him to speak before I do or

to, because I know the issue on Lutz and on Portage were our two issues. The product and the intersections.

Meeks: Okay.

Hart: These are typical samplings of our empty-nester product. I will tell you the ones that we're leaning toward but I'd like to get the Trustees opinions on all of them. I'm not saying I'm building all specific ones but there are variations of several that are represented here that we want to build. Some of them look somewhat similar in some cases. Joni, I may be shy one, I think the girl may have shorted me on just one of them.

Poindexter: There are fifteen in the packet.

Hart: Okay, I think what I did was, I took a sampling of the nine major ones. You have some that have some different variations on them and we'd like to try to rule out any ones the Trustees think aren't appropriate and try to circle in on the ones we want.

If you look, I think it's this one, which is a variation of the first. This one, which is more somewhat traditional, it's an expanded cape. And then this one, there's some subtle differences. This happened to be in a situation where they wanted architectural control of the same colors and the same stone. We were not planning the same colors and the same stone, we were planning on limiting it to three different colors. And then we have our traditional two ranches. So what we'd like to limit our project to is an expandable cape which I showed you in the first four photos. This would be an option, bonus room or bedroom above the garage. And then the traditional ranches with no expandability above the garage. And then we have what is truly called an expandable cape. It would be cathedralled if we didn't use the second floor option, if we use the second floor option it would have a loft and a third or fourth bedroom, full bath and then a sitting area in it. That's kind of a product presentation. These are all of our products that we've built throughout the communities. Two of them were in Jackson at one time. Several of these are in Wadsworth. We did a project in Akron in the Fairlawn area where we used some of these products. So that's our product.

Meeks: You say that two of these were in Jackson at one time?

Hart: Well, no, I believe we used in Emerald, the company, Mosley Builders built in Emerald and two of these were presentations in Emerald and also, this one, these are from our Wadsworth project called the Bigguns. They are all first floor master. This is the only product that resembles a traditional two story house. I threw it in here to show this is a product that we could build. It's a first floor master but I have to tell you, if the Trustees, I'm a little bit concerned about this because it could promote a family, not that that's wrong, but for our project it's not what we want to do. But this does have a first floor master on it. And it is in this same subdivision as you can tell. The colors of the photos are a little bit different. The architectural control there, I'd like to limit it to three stones and three separate colors, probably four or five floor plans and then multiple variations of the front facades. And I thought this was representative. If we come up with other product, I'd like to be able to come in front of the Trustees and have it approved in a similar fashion as we are tonight if that's possible.

Meeks: Refresh our memory on the price range.

Hart: We want to start in the mid 2's, \$220,000 and go all the way up to \$250,000's. We may have what's called a hook in the \$199 price range where we'll give away most of our options just to have what we call a loss leader in our business. I will tell you over the weekend in one of our projects, we stopped advertising our lowest price and we saw twice as much traffic. Most of the units were in the \$250's, we had a \$190 special and the residents got on us, why are you advertising that, none of the houses in here are like that. We stopped advertising over the weekend and we saw double the traffic, so I don't think the loss leader for this type of person is going to work. I think we have to say exactly what we're building and give them a fair price. So we may have a loss leader in the low 2's, like a \$215ish number, which is very acceptable for our empty nester homes.

Meeks: Well, I'll tell you out of all the proposed zone changes that I've sat in on, I've never received the amount of phone calls that this attracted. And they weren't positive. And that's why I made mention and I make mention to all developers, who have a great idea, that you have to sell it to the existing people. The number one concern was that they were afraid that the type of home which you were going to build would decrease the value of their home. And that is a concern.

Hart: Absolutely. I can tell you from our two meetings that we had with the residents, never once was product brought up except for Mr. Johns and I did forward to Mr. Johns some product, he did not receive this in the mail, I wanted to get it in front of the Trustees. When we look at our concept plans and look at what we're trying to promote, it is a different concept than what's out there. The people who are pretty much going to have an issue right now are the larger lots, larger home values and I can appreciate their worry about this project, but I think if you look at what is in the area, we have a mishmash of very affordable houses, under \$100,000 all the way up to maybe three quarter of a million dollar houses, just in that area. If you look at the houses that are out front, this actually doubles their property values. If you look at the houses that are a half a million, obviously, this is probably very similar to the subdivision that's across the street in values. No more, no less. If you look at transactions right around the mid 2's, they start in the \$180's, I think now they're transacting in about \$210 to \$215, but there's no new homes, those are all resale. This will be new construction that will have some appreciation in the years. And the only complaint I got, I actually had a gentleman across the street from me, which is on Lutz on the south side, he was complaining that we were probably going to raise his property values too much. And he was just a land holder and I kind of told him, I don't think that's going to happen. If his land appreciates it will become lucrative for a developer to try to do something. We really feel this would sell in Jackson because there is a need identified and we're not trying to just cut in small lots, we're actually trying to build this as a whole community. It has gone in some different directions. We did not want to connect it to the neighboring parcels to the north and to the east but that was one of the County codes that we did. We would have liked to have seen this just exist on its own. I truly don't believe that anyone's going to pick up and run with this concept because it's so specific to the product and how you manage the subdivision.

Burger: I have to agree with Mr. Meeks. It generated a lot of phone calls to me, also. One of the common denominators that most people mentioned was they didn't want another Emerald Estates in their backyard.

Hart: I agree.

Burger: I can agree with them, too. So I was looking forward to seeing some pictures of some of the different styles of homes that you were going to build there.

Hart: From my understanding, these are going to be read into the record, and I can give these glossy photos. We have no problem whatsoever representing these houses out in the field as our minimums and they will only get better from there.

Pizzino: Here's a house right here.

Hart: That's an all vinyl house and I brought that for a reason. If you don't like it, that's fine with me.

Pizzino: Well, you're trying to sell this for \$220. I see a garage and a window.

Hart: Actually, here

Pizzino: I mean, that's the first impression I get.

Hart: Yes. And that's why I brought this one, that's why it's different. I gave that to Joni for an example, we don't have to include this and I'm not asking for it to be included. That's this house, pretty much so. The difference is this house transacts about \$25,000 more than this but it has nothing to do with the façade. This is a walkout with granite countertops, with marble floors and I brought this as an example that although the façades do mean something to you and I from the outside, it's what we sell on the inside that really generates the value in the home. But I respectfully don't want this in my mix, I just wanted to bring it to show.

Pizzino: We've all been bombarded with phone calls. There is a new allotment across the street that doesn't have this type of homes that you're building there and they're concerned about their property values. Also the biggest complaint I heard is the traffic and it's not so much the sight distance. If you're going eastbound on Portage and you have to turn in, if you're going from Canal Fulton to North Canton.

Hart: Yes. We addressed that with your consultant.

Pizzino: Well, but still, I went out there and I drove that and Mr. Boger had that concern when I talked with him a couple weeks ago. If you're going westbound, you're fine. But when you're going eastbound and trying to turn in there, you're going to back up to that light because let's face it, the County has no plans of turning that into four lanes. I think that's a big concern of mine and a big concern of a lot of the neighbors over there. I just can't get by that right now.

Hart: Sir, we addressed that. Actually, the Township addressed that themselves. We had nothing to do with it. They employed their ME consultants and we were fortunate that they did a study and I guess the backup, as we say.

Pizzino: Did we pay for the study?

Hart: I didn't.

Pizzino: Joni, did we pay for a study? Ralph, did we pay for a study?

Boger: Yes, we did. The study, all it amounted to was taking measurements and checking the sight distance on Lutz.

Meeks: Mike, do you have that information?

Mike: Yes, I have that.

Pizzino: Mike, why don't you come up here and let's address that right now.

Rekstis: I'm Mike Rekstis, I work for ME Companies, we're the Township's Engineer. Ralph had some questions about what was proposed here. I had heard about the development in the newspaper and that's about it. We hadn't had any involvement at all. But he asked us to look at the sight distance up there on Lutz to see if the drive they were proposing was

Pizzino: It's a road, not a drive.

Rekstis: The road that they are proposing was at a location that would be safe for turning movements on Lutz. So we took some measurements. It's a Township road and I agree it's appropriate to check and make sure that they're not putting something in there that's going to be a liability for the Township in the future. So we looked at the profile of the road in the computer, then we went out there in the field and made some measurements and measured off how far you can see as you sit at the intersection of the new road and look out onto Lutz if you want to turn right or left. I have an exhibit I prepared that shows the distances associated with that. It's drawn from the perspective, as you're facing the sheet, you are looking west and to your left is south and to your right is north. We looked at intersection sight distance which is the distance you need to be able to see another vehicle approaching so you can turn safely out onto the roadway. If you want to turn left, or go southbound out of there, you'd be looking to the right up toward the crest of the hill. We figured that is good for 550 feet, you can see 550 feet and according to the ODOT specification which we use as a guideline, as a rule really, that's good for 49 miles per hour. Now Lutz is a 45 mile an hour road. Now if you want to turn right, we looked at the intersection sight distance, you'd have to look over your left shoulder now to the south, it's good for 610 feet, which would be good for 60 miles an hour. Now there was another sight distance that we were concerned about as you're traveling southbound on Lutz, coming over the crest of the hill and approaching the new proposed roadway. That's stopping sight distance, it's the amount of time you'd be able to stop if there's an object in the roadway. We measured that to be good for 520 feet or approximately 56 miles per hour. So all the parameters that we measured for sight distance, which we would measure for a new roadway or new intersection, it passed on the existing road profile at the proposed location. It's simply a black and white study as to what is the Township going to have to deal with here in the future.

Pizzino: What did we find out on Portage turning into the main allotment going eastbound?

Rekstis: On Portage, what I can tell you is we're within the taper of the roadway for the intersection. So the road is getting a little bit wider there, its only three feet wider at that point. There's not room there for a left turn lane, dedicated. Now, we don't know, the development is proposed for 50 lots, is my understanding, 50 units and the size of the development there, I don't know how much traffic it's going to generate but from what our rules of thumb are it doesn't look like it's going to generate a tremendous amount of traffic. That said, that's a County roadway there, that's their call and my understanding is that the County is responsible for what happens on that road, I know the Township has some say, obviously, a tremendous amount of say, but as to what happens with the road and what the requirements are, RPC standards will dictate. My understanding is that RPC had no comment, had not had any comment on suggesting

Meeks: You recommend (indecipherable).

Poindexter: I think what he's referring to is the preliminary plat. RPC did approve the preliminary plat as shown. What they denied was the rezoning itself but they approved the layout of the allotment.

Meeks: That doesn't make sense. So they don't like what we call it, but they like the proposed layout.

Poindexter: More or less.

Pizzino: I asked Mr. Hart to move that driveway down further and he wouldn't. I still have that issue if we had moved that down to the far east end of the property, that roadway, that would take a lot of the pressure off this Board to agree with the Zoning Commission. But since you wouldn't really change.

Hart: I couldn't.

Pizzino: Well, you can do anything you want.

Hart: That was approved through the

Pizzino: You were approved but this Board had a concern about where that was coming out. And I still have a concern with that new light that's coming there.

Hart: The Board had a concern with where it was coming out on Lutz. There was no concern raised on Portage.

Pizzino: Oh, absolutely. There was a lady here, if you check our minutes, there was a lady that

Hart: There was a lady but it wasn't the Board. The Board had no problem with Portage. They had an issue they wanted me to go back and redesign the Lutz. There was a resident here who

had a problem where it was and for us to go back, we have to deny all of our approvals that we've worked so far to get and we did meet. We had another meeting and I have another redesign and I went down, please. And I went down, I instructed my engineer to go down to Reva and take this new design, as you say, and within hours of submitting it we were called by Jackson Township and said 'don't'. We have our engineers, ME Company, they finally produced a letter and they said don't move the roads. And so that's where I said, and like I stated the last time, sir, I'm between a rock and a hard place.

Pizzino: I don't know who you talked to at Jackson Township but this Board never told you that, is one. Two, Mr. Boger had a concern at the last meeting and said 'I have more concern on Portage than I do on Lutz'. Isn't that correct, Mr. Boger? You made that concern.

Boger: That was my concern, yes.

Pizzino: And Mr. Boger is our Highway Superintendent.

Meeks: My concern was Lutz.

Pizzino: And that was stated to you. So we had a concern on Lutz and we had a concern on Portage.

Hart: We addressed them both and we haven't heard your consultant talk because we asked him right away. If there are cars backed up at the light, is there going to be an issue of turning left into the subdivision? Okay, there was a meeting between the administration who is who we're dealing with, not this Board, but we were trying to work through the engineering and the administration, the outcome of that meeting was and that's the meeting I tried to call all of you and say would you please come at 10:00, but no one returned calls and so

Meeks: First of all, let me tell you

Hart: Well, Mr. Schalmo did. I did not.

Meeks: That is not appropriate.

Hart: Okay.

Meeks: When we're into a hearing we do not sit and listen to this off the record.

Hart: I understand.

Meeks: We hear all information while we're on the record. That is not appropriate.

Hart: The mechanism that we were given was to work with the administration. I also heard that one of the Trustees was going to come to the meeting and, sir, I think it was you, but I may be mistaken.

Pizzino: It was never me.

Hart: No, with the County. You were going to go down and straighten Reva out. We went down to try to straighten Reva out.

Poindexter: He's talking about the meeting that you asked

Pizzino: She called me when they got a meeting but I wasn't there. I wasn't in my office. She said I have a meeting set up with the County if you want to come down.

Hart: If you remember, it wasn't our issue.

Pizzino: (Indecipherable) I didn't have that.

Poindexter: Right, but I think they understood that you were going to attend that.

Hart: Yes, that was our understanding. And at that point, it wasn't our issue, it was the County's dictating to this developer what is supposed to happen within Jackson. So, we had to work with the administration, with Mr. Boger, with Joni, with ME, which we did, they produced this, we had no knowledge, this is why I tabled, to be quite frank. I had never seen this before until Friday. So there were reports being generated, expert testimony going to be laid in front of this Board and I didn't know anything about it. So I felt the most proper thing was to call a time out, let's meet with everyone. What we found out was the stacking distance, number of cars, that can stack at that light, there's no cars heading eastbound, can always turn into our subdivision. There's not enough traffic there to block our intersection. There's over five hundred and some feet of ability to stack cars. So what the outcome of the meeting, from what I was told, and I have my engineer here, who was there, I was not, was that the administration felt we could either put up a sign that says 'No Left Turn' because we do have a dedicated turn lane on Lutz, there is an arrow so they can go up that way, or we can put up a simple sign that all of us have seen that says 'Do Not Block Intersection'. It's enforceable by law. And it keeps the intersection clear so we've done everything we possibly can, other than redesign the subdivision, and go back from day one. And we did receive approval from the subcommittee, the technical subcommittee, on the engineering of the project. The County Engineer has said yes, that's where the roads are supposed to go. We received approval from the Township Zoning people, yes. There were no qualifications on that. They didn't say this or that. There were residents, but we're trying to educate everyone in this process and I guess that's why the Township asked ME to step in. And they've done the study and they said that the sight distances are good and the intersection is exactly where it has to be. And what we haven't addressed is if we move the intersection down, we have a sight distance problem going up and down that hill and we have a greater speed, because we have a larger hill and we're in the lowest spot of the subdivision so our cars are going to be low not sitting up. Where this intersection is located is one of the higher spots on Portage, drainage flows down to the east. So, sir, I apologize that you're angry.

Pizzino: No, I'm not angry. I (indecipherable) part of that meeting, I just want you to know that.

Hart: I understand. We were under the impression that there was going to be a Trustee. We weren't invited to attend, that's why we thought the Trustee was going. This was a meeting that

the Township was going to go to straighten out the County and Reva because they were dictating to this Township what they were supposed to do. And that's what we thought the meeting was. At the last minute, I prepared, I know no one really cares but I have a \$2,000, \$2,100 bill here that we redesigned this whole subdivision per what we talked about. And we were called off. At the last minute, we were called off.

Poindexter: He's referring to the meeting, at the last Trustees Meeting hearing, when you had stated that we needed to have a meeting with Reva. That's what he's referring to and it was myself, Reva, Joe Underwood, Cliff and then they thought you were going to be in attendance and that's why I had left you that message, because we were under the impression that you were going to go to that meeting with the County, not with Mr. Hart. And that's when we discussed, it was just the issue of Lutz and Portage was not brought up. It's my recollection that at the Trustees meeting the main issues were Lutz and the photos. Is that correct, Steve?

Meeks: My main issue was Lutz and yes, ingress/egress off of Lutz. I didn't think that this supports what they want to do but I didn't think that we had the distance that we have there. Also you had some issues with residents that would be adjacent to this.

Hart: Mr. Johns.

Meeks: Right. Mr. Pizzino's concern was the ingress/egress off of, on to Portage. I remember the conversation that we had here.

Hart: We worked with an e-mail from ME Companies that addressed, I want to say three different options on Lutz. And actually two of them, I think, concerned the proposed fire station. That there are some issues with the proposal. Also, the sight distance plan was prepared as the plan you have in front of you, Mr. Meeks. However, the e-mail was prepared if you recall, the 109 unit condominium layout that had a road down where our park is. The e-mail actually addressed a problem if the road was down there, there was a gas line issue and there were some other issues. And so once we identified that they had received the wrong plan, I think that's when the study was done and the study is done in the correct and proper response. The response to Lutz was it would be great if the developer put in a turn lane, however, and left it at that. Our conversations today, my conversations, and my engineer's Rod Gerr's, with Michael here was tell us how many cars are going to be stacked there and it's all theoretical of course, but that's how we do a study. We don't feel and I think Michael may agree, and I'd like him to speak, I don't think if you said you had to put in a turn lane, I don't think we can meet the warrants because we don't have that much traffic. There's a certain amount of cars that have to be able to cause an issue and we don't think that there are enough cars only having 51 units that do about 2.15 trips per day, what is not an active subdivision with kids. It's more retirees, they go out and they come back in. It's all theoretical, it's all based on math but it's accepted by ODOT, it's accepted by this County, and hopefully, it will be accepted by this Trustee Board. We're working within the parameters and although we don't want to believe it, the mathematics is saying that the intersections are where they have to be. That's kind of where we're at right now.

Meeks: The way we view this, it doesn't matter how beautiful, how great your development is going to be if your ingress/egress is going to cause us safety problems, which was our concern.

Hart: Right.

Meeks: Okay, we're putting money in with the County Engineer to improve Lutz and Portage so that it will be a safer intersection. And this Board has never been in favor of spending money and then turning right around and have to spend more to improve because we didn't ask the questions and we didn't have the foresight. So that is why.

Hart: Sir, if someone came to me from this Board that had sound engineering basis and said you have a problem, we would have to correct that problem. I think that's our responsibility to this community, not to create a problem. We've worked within the parameters given us and we've worked with the consultant from this Township, we don't employ him, I didn't know about this study until Friday, we've worked with him and all the parameters meet, I think it's the Ohio Revised Traffic Signalization Code, it's a manual put out by the State on numbers and how many cars, so although we all feel that maybe there's a problem, according to what you've designed your light from it all fits within those same parameters. We didn't fudge a number, we didn't, I don't even know what the numbers are. We relied on the consultant that Jackson prepared to check it. Was I surprised? Hey, I didn't know anything about it, that's why I called the time out the last time so we had time to look at it. Obviously nothing has been written by ME Companies since the last meeting. We didn't influence any of the reports, the reports came out well before I called a time out and we didn't influence, there are no new reports, no new e-mails whatsoever. So I'm seeking your support and I understand it's a conjecture issue but we're really trying to bring something to Jackson that's never been and I'm representing a custom home builder. I'm not representing, I want to call them quasi-nationals that are over in Emerald. We pulled out, the builder pulled out of Emerald because he couldn't compete. He was too expensive there, if you go look at the resales, Mosley Homes were the most expensive homes in Emerald. They couldn't compete with, I don't want to name the builder from Wadsworth, Ryan Homes was in and around the area, and too, they couldn't compete so they pulled their model out. I think they still have five lots that they probably are going to sell to another builder. They couldn't compete because they were too expensive. If we were to go to a large subdivision, big lots, I don't know how successful it's going to be. Of course we all want to be successful. Having said that I don't know how successful this is going to be but I think this is the best avenue we have in Jackson and in this northeastern Ohio with job loss to harvest the retirees that do want to live on smaller lots, that want to have stuff maintained for them and live six months somewhere else. There are plenty of people and we heard them last week or two weeks that will never live in here. And that's probably true, I've maybe gained one out of ten residents but its 51 units and 51 trips.

Pizzino: But you also said it's not guaranteed its all going to retirees, either. (Indecipherable) restrict 55 and older are you?

Hart: No, we're not but

Pizzino: You keep using the word retirees. You're just assuming

Hart: Active adults.

Pizzino: You're just assuming.

Hart: We're basing that on track history. We don't have anyone that has children within our subdivisions, we have three of these. And the reason why is because we design the first floor master. There's not enough room for kids, there's no play areas and there are no play areas in these subdivisions other than the park and we're restricting that solely to our residents use. If you remember, we tried to give it to the Township and make it a Community Park and the Township said no then it won't count as open space. I'm still open to that if the Township needs a small park. We'll pay for everything, we'll install it, and we'll maintain it. We can't guarantee there won't be a divorced woman with two small kids in there. All I can tell you is our product tends not to sell to divorced women with two small kids. It's too expensive. If you think about the economy, box on box, this is, I would say, similar to what you see in Emerald because it's a value (indecipherable). But look at the foot print, that footprint is about the same size as that footprint, but they're allowed to go up two stories and the economy to build a two story is much greater than a ranch. So a divorced lady, and no disrespect, but a divorced lady in the mid \$250's is not going to come here, she has to get three or four bedrooms. We're going to be offering, you know, two to three bedrooms, and all on the first floor. Three foot doors and ADA proof and everything all like that.

Meeks: Okay.

Pizzino: Get Mike up here. You're going to guarantee us that we're not going to have a problem on Portage, you're saying?

Rekstis: I wanted to clarify, I didn't say that the drives are exactly where they need to be. I said that the drive on Lutz is safe for sight distance and that the drive on Portage does not have adequate space for a turn lane. That on Portage Street I did calculate the backup, or Debbie in my office calculated the backup, from the Portage/Lutz intersection of left turning vehicles during peak hour for the 20 year traffic and we figured it to be seven. There's not a lot of vehicles turning left or in other words if they're headed westbound and they want to go southbound. Those would be the vehicles that would back up to the east from Lutz in front of the proposed drive. It would restrict turns. Further his proposed road is 500 feet from Lutz approximately, that would take about 20 vehicles in the through lane to back up and with the signal being there it should be controlled enough that is not a common occurrence that's not supposed to happen. That's how it's designed to function, it's designed to flush through and it's designed to have adequate spacing between those cars coming on Portage that you could turn left into that subdivision. I'm sorry, the question was do we guarantee. The access should work there.

Burger: I think you made a point there that maybe most people didn't consider. Once you get that established and you know what the traffic flow is and do like they did down there at Fulton Road by the school, you can change the timing pattern to flush the traffic through there more.

Rekstis: That's exactly right. The numbers we've been looking at, the traffic on Portage, for every car on Lutz, there's four cars on Portage. There's heavier traffic there, four to one.

Pizzino: I was looking at backup on Portage. Looking at backup going southbound on basically Lutz. If I'm coming from Canal Fulton and want to turn into my allotment and people are coming westbound, (indecipherable) three to five o'clock, and they're backed up at the light.

Rekstis: There's room for about 20 cars there going through and we think that it's adequate. We think that there's adequate room there between, based on the projected traffic, there's adequate room there to make a left.

Burger: Couldn't be any worse than down here at Buehler's and Wales Road. I mean it's backed up going east all the way past Brunnerdale at peak times. I've lived around here and I'll tell you there's only one way to beat it is go down through those allotments then the people who live down there in the allotment across from Shady Hollow are going to be out there putting railroad ties across the road with spikes in them or something. It's a problem.

Rekstis: John, did I answer your question? I think it's they'll have access, they'll be able to turn left going there eastbound.

Meeks: Did you want to say something, Mr. Hart?

Hart: My only, I guess I'm, we worked with the administration and I don't know what we should do about that. We thought we had a consensus about putting a no left turn into the subdivision which we commend to, pay for the signs or we put a keep the intersection clear or whatever. I guess my concern is can we do that? Because I saw what, on the paper I had my engineer make some notes, I guess, I'm asking Ralph, can we do that?

Boger: Are you talking about Portage?

Hart: Sure. Or do we have to

Boger: That's a County road.

Meeks: So they would need approval from the County. Okay.

Boger: Whatever the County would feel they wanted to do there.

Hart: And were we just continuing the portion of my input or are we continuing public comment because we've gone through the public comment the last time.

Pizzino: They're more than welcome to speak again.

Hart: I just wondered.

Meeks: Okay, is there anyone that would like to speak in favor of this. Anyone else? No one? Okay, we'll close that portion. Is there anyone who would like to speak in opposition? Please come forward, state your name and address.

William Johns, 7040 Lutz Avenue, my objections to this are the same as they've been the last three or four times. I don't want to take up too much of the Board's time. But when he says line of sight 500 feet, that's fine with the cars doing 40 miles an hour, but as I've stated before, they

don't do 40. That Lutz Avenue interchange would be pretty dangerous in my opinion. I don't see a need for this but it's up to you people to understand that. Okay? Thank you.

Meeks: Thank you, sir.

Dan Passerini, 8065 Fayette Avenue, as being one of the concerned community members there's one of those phone calls that were barraging you folks. First let me state that I'm appreciative of the fact that Mr. Burger spent about an hour with me on the phone discussing this at length which I know he did not have to do. And I'm very appreciative of the fact that the Board takes the time to be as sensitive as they are to the concerns of the community. And with all due respect to Mr. Hart, knowing that, you know, this is not begrudging him the fact that he deserves to make a dollar, he deserves to try to maximize profit, there's nothing wrong with that, I don't begrudge him that. The challenge becomes and I disagree with him strongly that the two main concerns were aesthetics and the issue with ingress/egress. Those are certainly heavy concerns but I think that there's one huge issue that has not been discussed today that is not peripheral but actually central to the rezoning in fact encouraging future development with commercial properties adjacent to this new rezoning. That's not been addressed, it's kind of been glossed over as peripheral in terms of traffic flow and things like that I think that it would continue to exponentially compound the problem. So you know maybe he can set me straight on those issues as Reva was on some of the other but I think that those are concerns that you know no one, once again, begrudges him the fact to make a development within the current rules and the rules are what they are for a certain reason. There has been no substantial reason set forth to the community or to the Board that necessitates rezoning other than it can be done. Well just because it can be done doesn't necessarily mean it has to and certainly it doesn't mean that it should as Mr. Burger and I discussed at length the other day. So maybe some of those issues can also be discussed here this evening. I'm not claiming that I have a cornerstone on the facts, I like to think that I'm an open minded person looking at everything but there has been nothing yet that has come forward as you know a reasonable argument as to why this is even a discussion right now. No one's in favor of it other than Mr. Hart and, you know, the land owner and that's reasonable to expect and not only begrudging him I applaud them for that but the fact is just because it's beneficial for them doesn't necessarily mean it's beneficial for the majority, as your, you know, the people that you're responsible to watchdog for. So I thank you for your time and I'd like to maybe open that discussion up.

Meeks: Can I ask you a question, though? You made mention to commercial.

Passerini: It's my understanding and I'm not a legal scholar on this, but my understanding is the rezoning of that, does that not encourage adjacent properties to be commercially zoned or at least open that as a possibility.

Meeks: Anyone has the right to ask for a rezone. However it is not this Board's opinion or recommendation to suggest that commercial will be accepted along that corridor. It had been tried towards the intersection there at Highmill and Portage but it was defeated by this Board. So we do not encourage commercial.

Passerini: That's one of the things I actually respect about the Board. My objection then becomes under your watch, you know, we're protected because you're diligent about those. When your watch is over will your predecessors be as diligent.

Meeks: It might be you.

Passerini: Well, for the community's sake let's hope that we have smarter folks taking care of those things. But, you know, if that window is open under folks who maybe have some different opinions other than yourselves, what protections do we have, that's opened up, my understanding, and correct me if I'm wrong, please, but my understanding is that opens up that possibility.

Meeks: Any parcel of land is open to a rezone, okay. Now whether it goes forward in an approval fashion, I can't guarantee that, I can't guarantee who would sit here after I'm gone. I know that history tells us an awful lot and we had a Board like that. That didn't look out for the best interests of Jackson Township and the residents and the investors within but this Board has changed that. We truly do look at every decision that this Board makes. We try to gather as much information and facts so that when we say yes today and that was why it was so important for Mr. Hart to bring us other information, because, you know, if we approve this, our three, we need to see exactly what he is going to build because a zoning change doesn't go with the building he's building it goes with the land. And then he could take it and sell that and someone else could build something less desirable. Well, that's why we

Passerini: Even less desirable than this.

Meeks: That could be. And please don't, if this Board denies this, okay, understand that a rural residential, an R-R development, could be less than attractive than what Mr. Hart is proposing, too. And they don't need our approval. We can't make them commit to what they are committing to, in an R-R. And we don't want to see that, either. The fortunate and unfortunate thing is in raw land, it is very desirable here in Jackson. We have beautiful communities springing up everywhere. I wish this Board had the money and the power to buy up all the existing rural residential land but we don't. So it is up to us to sit and look at, when these developments come forward, based on our zoning our own zoning recommendations and our Zoning Commission, looking at the integrity of the area and what best fits. Making sure it is safe and that it is not a detriment to the present values of the existing homes. That is important to us. It's important to you.

Passerini: And those are arguments I think, you kind of stole my thunder, in fact, both you and Mr. Pizzino were stating prior to opening up to the forum, I mean, those are certainly key issues. This is just one that was not addressed but, you know, I think all of us in that community have those same concerns and we're grateful that you're watch dogging for us and we hope that you continue to do it.

Pizzino: One thing we're going to do, one way or another, we're going to have him pick the three houses he's going to put and we're going to attach that to the resolution and that's the only thing he can build. You understand that? It isn't? Mr. Fitzgerald?

Hart: How can you limit me to three houses? What if there are three more in the future?

Pizzino: Because the types of rezoning you're asking for.

Fitzgerald: Didn't you say you would build the house according to the pictures that you presented.

Hart: Yes.

Fitzgerald: That's what Mr. Pizzino's saying. Is that correct, John?

Hart: No, he's saying that I have to pick three of the houses. I'm saying I have opportunity to build them all. Oh, three styles.

Fitzgerald: Styles. Design. Design of the house.

Hart: I apologize. We're going to be building ranches, and expandable capes. I only have three styles on there.

Fitzgerald: And according to this picture, you're going to consent that they would include in their resolution that your construction will be as similar to the design of this picture that you presented.

Hart: Absolutely. And if we want to call them out as ranches because that's the final order of the RPC, call them out as expandable capes and I don't know what you want to call the, you know, I (indecipherable) I'll state it too, I don't want to put this one in there because that will put too much closer to Emerald. It will be a family style house even though it's a first floor master. So we're fine with it, too, ranches and expandable capes. I apologize.

Fitzgerald: Per the pictures that you presented with your plan. Correct?

Hart: As long as I can come back in front of this Board and have the same discussion if we choose to upgrade a house?

Fitzgerald: And you'd have to do that.

Hart: We would

Fitzgerald: You'd have to seek an amendment to the plan.

Hart: We would come in to do that in front of this Board and it would be a public meeting.

Meeks: These types of things are what you have to do as a developer to this Board. On an R-R they don't. That's why, pardon me?

Gonzalez: And the number of houses is different.

Meeks: Yes. The density is different in an R-R. But that is why if we're looking at, and I'm not saying we are, we're looking at this favorably, okay, at least the way I look at it, it is, I have more control on what this developer can and can't do on this parcel of land. If I deny this, okay, and say Mr. Schalmo sells this to a developer who is going to build single family homes, he could build less quality than what you're seeing right now in Emerald Estates. And that I do not want.

Pizzino: But the flip side would be larger lots.

Meeks: Yes, it would be larger. That's where you would gain. You'd gain a larger lot. The other thing to look at is we have a Comprehensive Plan and we try and get our developers who want to do business within the Township to look at our Comprehensive Plan and look at how you can make this development be more of a community type and using green space and walking trails and those types of things to help enhance our green space. Because we do not want to see 100% build out, okay? And they have noticed that and they have identified that and they have looked at incorporating those types of ideas that does come from the Township into their plan. Now a single family home development, they don't do that.

Passerini: However, the fact that you pointed out earlier, I think quite eloquently, was the fact there is, or maybe it was Mr. Pizzino, there is no guarantee that these are going to be what they claim they are going to be in terms of retirement, a retirement community, nor has there, I don't think, any substantial evidence has been brought forward to say there is, that there already are those alternatives present. Isn't the allotment off of Mudbrook, what is it Mudbrook Estates, and also Serenity Lake or

Meeks: Serenity Shores?

Passerini: Yes. Aren't those similar zoning with similar opportunities with lots that are vacant?

Gonzalez: The only other zone like this that I know of in the Township is one, do we have another PUD, Joni?

Poindexter: Yes, we have one at Beatty and Amherst. We have Rose Hill Villas. This would be like the fifth one in the Township.

Passerini: Are the other four exhausted? Under your Comprehensive Plan, has there been set forth a need for this?

Meeks: Yes there has been. I'll tell you the empty nester is what they call these homes, villages. The fortunate and unfortunate thing is that they can't build them fast enough, as Mr. Hart has stated and I have seen this to be true that these are seasonal occupants, meaning that they go away in the winter to warmer climates. I think I would be more comfortable knowing that these are only empty nester homes.

Passerini: But that can be mandated, can't it?

Meeks: I know that there is a developer in this Hall that does mandate that in another community. And he's very successful at that. He builds a quality, quality dwelling.

Passerini: Maybe that should be discussed. Why that was not brought forward, if that's what the original intention is.

Pizzino: I believe we discussed (indistinguishable) the 55 and older.

Passerini: Maybe there's a reason why.

Meeks: Well, we'll talk about that.

Passerini: Thank you, gentlemen, I appreciate it.

Meeks: Anyone else like to speak in opposition? Anyone? Yes, sir.

Steven Passerini, 9251 Hunters Chase, and I, too, want to voice my opposition to the proposed zoning change. I live, obviously in Hunters Chase, which is across and I am concerned about my property value. I know there's no tangible way to kind of measure how it's going to affect that one way or the other, but I'm concerned it's going to decrease it and that's one of my larger concerns. I know a lot of people in my development are concerned about that. That was maybe indicative of some of the phone calls that you've received. I just want to restate, you know, that as you guys as the Trustees, the onus is on you to kind of do what's best for the community and I know you're trying to do that, but also to kind of respect the wishes of the people and I think if we look at what the people want, for example if this would end up going to a referendum vote in November, the people are going to turn this down. Let's be open and honest about that, I don't think there's any question that this would be voted down, so please just take that into consideration with all the other issues. Okay? Thank you.

Burger: I have a question for you. This came up and it's kind of keeps floating around in the back of my mind. You talk about this project that Mr. Hart wants to build but the other allotments up there, Hunters Chase and so forth, with the homes that are already built along Lutz Road, they're going to pretty much screen this development, aren't they? Or am I barking up the wrong tree, also?

S. Passerini: Well, I guess there are houses that line Lutz there and the development would be across from it. I guess, I mean, having homes right in between there, would that affect it, I don't know. I don't know. I just don't want to gamble on it.

Burger: I was questioning. It's up to me to gamble which way I'd make my decision too. But that just keeps coming back when I go up and down Lutz quite a bit that with those homes on the east side of Lutz, it's going to screen this development pretty much.

S. Passerini: Well you're correct, there are homes there.

Burger: It's just something. I was looking for another answer to my question.

Meeks: But by the valuation of the type of home they are proposing to build, the range from \$220 to \$250, that is greater than what you may see to your west from the development.

S. Passerini: That may be true, but I'm not thrilled about that either. I'm trying to have some effect on what I can speak out against.

Meeks: I understand.

S. Passerini: I can't control what's already done. Unless you know of a way.

Meeks: You buy the property off Mr. Schalmo and do as you please.

S. Passerini: If I come into money.

Meeks: I don't think it will be (indecipherable).

S. Passerini: Thank you.

Meeks: Anyone else? Anyone? Yes, ma'am.

Julia Aneshansel, 9145 Portage Street, and I thank Mr. Burger and Mr. Pizzino for answering my phone call and I really appreciate it. We're talking about R-R, Rural Residential to R-R 3, all our homes are built on R-R out there in Jackson and you say Jackson has been populated well and people want to live here. Maybe it's because we have nicer homes. We take care of them. When you own a piece of property, a bigger piece of property, you're more apt to take care of it better. Who is to say the people can't come in and rent these places? They're going to be jammed in together much more than we are out there. It's totally against what is out there now. Most people out there now have way more than an acre. So this is so opposite of what we have out there and under all the Comprehensive Plans it was to keep this area different than jamming them in where they have everywhere else. And it doesn't look to me like this is a plan that will do that. I haven't seen the homes, I came in a little late evidently, and I know we've asked three times for him to bring pictures. But when you put one of those right on top of one another, that's not going to look like the area that we have out there now. Not at all. So you're changing the whole area, whether you see it or not. Now, just today I could not see Lutz Road but after today it's right in my face because they came and cut all the trees down for moving the creek for I don't know what reason, which is really, supposedly, anti-environmental. So to say that it's screened by homes or trees is baloney because I went out a 1:00 and my house was screened, I came home at 6:00 and it wasn't. So I kind of give up on that screening bit as far as the homes go. They could buy a lot, knock the house down and put more houses in there like that. You're opening up Pandora's Box, is all I can say. Thank you.

Meeks: Thank you. Anyone else?

My name's Fred Meek, 9200 Portage Street, the only thing have to say is that area was always houses on big lots. I have three acres with a house and it's going to change the whole, if you go through with this, you're going to change the whole picture out there. Now, if you approve this,

what's to prevent the next fellows from coming along and another piece of ground, saying well you approved that place over there on Portage and Lutz, why can't you approve mine. So that's the only thing I see. I won't be around because I'm 82 now. No, I'm 81, pardon me. I won't be around but I hate to see, you know, I don't want it to look like the northwest end of Canton. Now that's my opinion for whatever it's worth. Thank you.

Meeks: Mr. Meek had called my home and left me a message and another concern that he had was that he was concerned that this would be considered spot zoning and also RPC had made mention of that, too. Can we address that?

Poindexter: We don't agree that that's spot zoning and let me find it here, I have something on that. This comes out of the Zoning Process Book, I guess, it says under Section 8.41, Spot Zoning, it says 'Spot zoning is another confusing term. Many people think that a rezoning of a single parcel of land constitutes spot zoning is unconstitutional. That is incorrect. Spot zoning is simply a phrase used to conclude that a rezoning is unconstitutional for specific reasons.' It goes on to say rezoning a single parcel or small area is not unconstitutional per se, rezoning a small area in a discriminatory or unreasonable manner is.

Meeks: Okay. Would anyone else like to speak against, in opposition?

Unidentified man: Just one quick question, please? There are two things I'd like to (indistinguishable) to address for me. One, other than the folks who maybe have an obvious agenda to gain, is there anybody who has actually expressed a positive remark to you about this particular project? B, if maybe Ms. Poindexter could help me understand, if the County (indistinguishable) declined this why is there such, given that there's not a push in a positive manner from the community, why did the Zoning Committee in their wisdom have decided to overturn that opinion.

Poindexter: The Commission felt that it fit the area. They thought it was a nice plan, that it was not spot zoning. And I know RPC, again, they refer to where they talk about between commercial and residential or residential and multi-family but again it says it may be located between there. It doesn't say that it shall be located between there and I think there's a difference there. If it said "shall" then that's kind of like a mandatory thing that it needs to be there. But it's not, it says may be located between there. RPC did make that comment in their recommendation and they also did make the comment that they thought that it was spot zoning but the Zoning Commission did not agree with that.

Unidentified man: (Indecipherable) you went back to the question why then other than maybe (indecipherable) just because it can be done is there any other reason (indecipherable) can be done. Just because it can be done doesn't necessarily mean it has to or it should. So if you could maybe address for me why other than it can be done, why would you push for it unless maybe the community has such a positive disposition for (indecipherable).

Poindexter: The Commission just felt that it fit the area. It was a nice plan and

Unidentified man: How did it fit the area?

Poindexter: Well, when they look at it and it could be an RR, they look at, again, as Mr. Meeks referred to, they look at with the R3 they have more control over what can go in there as opposed to, if you do a regular RR subdivision, they can put the roads where the subdivision says they can, they can put smaller houses in there, we can't tell them what type of housing, what square footage even though they have to be, I think its 1,200 square feet, they can go down to that small size. The lots could go right up to 10 feet from the side property line, 40 feet from the street, 25 foot rear set back, it would just be done under a regular RR subdivision, and the Township would have no control over what type of housing goes in there.

Unidentified man: If it's control maybe I can buy it. (Indecipherable) I just want to qualify that (indecipherable) fits out there. If you're having more control, I guess it makes a reasonable argument but fitting I'm not quite sure.

Poindexter: They liked the plan for the area.

Unidentified man: (Indecipherable) the Comprehensive Plan.

Meeks: Yes, ma'am.

Poindexter: Right.

Unidentified lady: The Zoning Board, I was here for two of those meetings, they did not see a picture of the houses.

Poindexter: No, you're correct, they did not.

Unidentified lady: So, I don't know (indecipherable).

Unidentified man: (Indecipherable) type of pictures (indecipherable)

Unidentified lady: Excuse me, I'm talking. How could they approve something they didn't see? And you say about RR could be anything, Jackson Township up until a few years ago was built on RR and I think what has made us so popular is what people did see. It was good. People can't spend the kind of money they do on property out here and build a bunch of junk. Nobody's going to spend \$50,000, \$100,000 on a lot and build a hunk of junk. (Indecipherable). They don't do it. So I think that embraces the control part of it and speaks for what he is speaking of.

Meeks: Would anyone else like to speak? No one? Okay, I'll close the hearing. Gentlemen. Want me to start?

Pizzino: I can start.

Meeks: I'll start, I don't care. Each type of zoning, again, we all have to be careful of what we ask for and I have many concerns with this proposed development. I have some negative concerns as well as positive. One thing that I do like tremendously is that we have the right to make this developer live up to what he states he's going to build and the type. I like that. That is the control. The other thing though I am concerned with a large parcel of land that is zoned RR

of what type of homes could be build there that would be less than what we're seeing here this evening. I do appreciate the developer looking at our Comprehensive Plan and incorporating the green space in the park-like setting. There may be a lot of things that I appreciate and I like and safety is a big one for me. But more importantly, I work for the residents of Jackson Township.

Pizzino: I guess it's my turn. It's obvious I have reservations of what happens tonight. I grew up in Jackson Township, you know, I was born and raised here, I've been here 54 years and that part of the Township has always been I considered open space. I grew up off of High Mill Avenue. My Dad had a three quarter of an acre lot. This Board has always tried to keep growing, because if you don't keep growing you know you're going to back up but we try to control the growth by our zoning. I have a real problem with, I still have a real problem with the entrances off of Portage and off of Lutz. And I guess I have a problem with the smaller lot size as I stated last meeting. But to be totally honest with you, gentlemen, I know it only takes one vote and I just can't support this. I'm just being open and honest with everybody. It's up to you two.

Burger: Well, we can compare how long we've lived in Jackson Township, I think I'll waive both of those as far as that goes. My grandparents owned a farm in Jackson Township that goes back before my time. But to be very honest with you, I did receive a lot of phone calls, e-mail, etc. with different views toward this project. I had a few things that really weren't answered in my mind and two of them were the entranceway coming in off onto Lutz and I think that question has been answered. We went to the extent of having Mike come out tonight and clarify it for us. Also the one on Portage, I know how people drive on Portage, being on the Fire Department for thirty some years, I picked up a lot of people off of Portage. So I don't think the way these kids are coming out of high school and driving and killing themselves is going to have a lot of effect on how many lights we put up out there or what the speed zone is unless we have a police cruiser every few hundred feet down the road. But the main thing I kept wobbling back and forth on until tonight was I hadn't really seen a picture of some of the homes that were going to be built in there and I kept bugging Joni a little bit with when are we going to see this? So finally I did get to see some of the pictures of some of the different designs of the homes and I can appreciate people that can afford or want to buy, or in a position to buy a big lot and build a nice big, fancy home. But there again being in the Fire Department, I've been in a lot of homes on ambulance calls and there are empty rooms in there with no furniture, I've seen people with plastic lawn chairs with a blanket over them, etc. So by moving into a big home doesn't always mean you can afford it or fully utilize a home of that nature. I just think that the way the Township is developed that there is a need for an allotment like this for whether you call them empty nesters or even people who are up in age and their children are married and gone and you just want to downsize. I have four acres of ground and a big home to my standards and I'm 71 years old and there's a lot of days I think why should I maintain this, why don't I sell it and buy a small home, such as this and that way I can keep an eye on what the neighbors are doing and have something to talk about. It would be nice if we could just draw one plan up for the whole Township and obviously you see that is not possible and the Township did spend a lot of money and I know the Committee spent many, many hours on this Comprehensive Plan and I sat in on it also. So it made me feel that if there is one major problem, it's making decisions as a Trustee on these developments and so forth. Obviously, it's just like my wife, you can't please her all the

time either, but I think I've come to the conclusion of which way I'm going to go and you'll find that out when it comes time to vote.

Pizzino: Mr. Burger, do you want to make a motion?

Burger: Yes, I'll make a motion. Do you have the wording for it?

Pizzino: (Indecipherable) which one you want (indecipherable) and if you want the plans per attached. Whatever you want to do, there are three choices there. Do you want to explain the choices, Mr. President?

Meeks: Yes, the first one is to adopt the recommendation of the Zoning Commission which the recommendation of the Zoning Commission is for approval. The next one is to deny the recommendation of the Zoning Commission. The third is to adopt a modification of the recommendation of the Zoning Commission. However, it does take a unanimous vote of this Board to overturn the recommendation of the Zoning Commission.

Burger: At this time, I move that we adopt the recommendation of the Zoning Commission.

Meeks: For a vote, second.

Pizzino: Could we have discussion? Are you going to attach the plans to your motion, Mr. Burger?

Burger: You mean concerning the homes?

Fitzgerald: The pictures have been, Mr. Hart has amended his plan to include the pictures so the vote is upon the plan as amended.

Pizzino: One of these fifteen, I believe?

Fitzgerald: The plan as amended is in front of you for a vote.

Burger: Now if we go back, there was some discussion there about a couple of those pictures on there weren't going to be included in there.

Hart: Would you like me to come up and remove them, sir?

Burger: I think I know which one you meant but I would appreciate it.

Pizzino: Mr. Gonzalez, there's a motion.

Meeks: (Indecipherable).

Pizzino: I just wanted to make sure the motion states that these pictures are herein attached.

Gonzalez: The motion is to adopt the recommendation of the Zoning Board.

Meeks: Just understand though that it does take a unanimous decision.

Burger: I understand.

Meeks: Meaning that if this Board does not, if it takes one descending vote from you, the Commission is upheld. Do you understand that?

Burger: Yes.

Burger moved and Meeks seconded a motion to adopt the recommendation of the Zoning Commission on Zoning Amendment 560-07.

<b>Meeks</b>	<b>No</b>
<b>Pizzino</b>	<b>No</b>
<b>Burger</b>	<b>Yes</b>

### **Public Speaks – Open Forum**

Mike Besselman, 4463 River Ridge Circle, someone stuck a letter in my door about where's the police, I don't know if anyone has called you people about the biker bar on Erie. Okay. I have called several times and I have yet to see a Police Officer out there at the times when the problems are occurring. I heard this evening about safety issues and property values and I think this is something that needs to be addressed with what is going on at this bar. These people sit around there and drink. So we have driving while impaired and I don't know when it became legal to operate a motorcycle without a muffler but that seems to be one of the concerns in the neighborhood also. I don't know why no one showed up but I'm getting no satisfaction by calling the police and I just want to know what the Township Trustees could do.

Meeks: I just spoke to Harley prior to this and if you don't mind I'm going to try to get him on the phone because it is a concern of ours. I asked him to give us an update and unfortunately he left without doing so.

Pizzino: That was my fault. I thought we were finished with Public Speaks.

Meeks: No, this is a concern because there are many residents that

Pizzino: Marilyn, did you get hold of Chief about this when we talked this morning?

Lyon: Yes, he said he put extra patrols on. I'm not sure when he started.

Besselman: I talked to him one time, the lady asked me what time I would like for the Police to be there. I mentioned that I would like them to be there while the problems are occurring. And she said, 'Well, we usually show up around 10 p.m.' and that would explain why a lot of them start leaving at 9:30. So if there's a set time for the Police, it doesn't take a rocket scientist to figure let's get the hell out of here.

Pizzino: Well, what we could do is, I'm sure that Chief Neftzer, one, he'll return your call. Two, we'll just do random, we have to catch them in the act of course, and you know there's four, five, six cars on, so what we'll have to do is just randomly drive through that area at different times. We're not going to set a set time because, like you said, everyone's going to know when they're going to be there.

Besselman: Wednesday night is bike night.

Pizzino: Bike night.

Besselman: So, I'm sure that someone

Pizzino: What does that mean?

Besselman: That means there are usually more than the usual number of bikers.

Pizzino: What time do they usually start coming in?

Besselman: Usually 7:00 to

Pizzino: Ten?

Besselman: They seem to leave around 9:30.

Pizzino: Seven to 9:30?

Besselman: But you can pick almost any warm day or evening. I've watched, my house overlooks Erie, and I've watched people ride by on one wheel, I've watched three bikers pass some lady in a minivan, so it's a dangerous situation. Something has to be done. The only thing I can see that might solve the problem is voting the area dry and I really don't want to do anything like that because there's several other businesses there that are fine businesses and I don't see any reason for them to be involved. But if that is the last and only recourse then I guess that's what we'll look into.

Burger: I talked with Chief Neftzer the middle of last week because I got beaucoup calls, too and he assured me that he would start putting extra cars down there and we discussed the times of when people normally leave and so forth. I just live down the street about one half mile or so and I sit in my house and I can hear them. Why the State Patrol, why the Police Department got away from checking mufflers on these vehicles by just sticking a wooden staff up there.

Besselman: Between that and the driving while impaired, you know, I mean they're not sitting and sipping cups of coffee, you know, I see them on the outside patio drinking beers. I drink beer. I have no complaints about that. But when they come by there half liquored up and accelerating and no mufflers, it's irritating.

Meeks: Okay, could you hold on, I'm going to give the phone to him and if you would please give him an update. But then I would like to have his phone number and maybe you could get that off the record so that you can be more in touch with what's going on.

Meeks gave the telephone to Mr. Besselman to speak with Chief Neftzer.

Pizzino moved and Burger seconded a motion to adjourn.

**3-0 yes**

---

**Steven Meeks**

---

**Randy Gonzalez**