

RECORD OF PROCEEDINGS

MINUTES OF JACKSON TOWNSHIP TRUSTEES MEETING

JUNE 26, 2006

Pizzino called the meeting to order at 4:00 p.m. at the Jackson Township Hall with all Trustees, Fiscal Officer, Lyon and Fitzgerald present.

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

Pizzino moved and Meeks seconded a motion to go into Executive Session to Review Negotiations with public employees. **3-0 yes**

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

Pizzino moved and Meeks seconded a motion to go into Executive Session for Land Acquisition – To consider the purchase of property for public purposes. **3-0 yes**

At 5:15 p.m., Pizzino opened the Work Session.

Highway Department

Boger introduced Rich LaRocco and Mike Rekstis from ME Companies who presented an update on the Fulton / Wales Improvement. Meeks asked about revised figures from Dominion and was informed a meeting is scheduled with all the utilities involved on July 11 and 12 to discuss conflicts. The gas company will be providing that information after that meeting.

Community Celebration Update

Stacy Malcolm, 7567 Hawksfield Ave., presented an update on the festival scheduled for July 12 through 15. Radio station Q92 has agreed to be a sponsor and will be providing live remotes. A new feature will be a children's area with inflatables and other child oriented activities. Plans are moving along smoothly and on schedule.

ATTACHMENT 06/26/06 A

Meeks moved and Burger seconded a motion to approve the Jackson Township Community Celebration Emergency Operations Plan. **3-0 yes**

ATTACHMENT 06/26/06 B

Meeks moved and Burger seconded a motion to approve the following entertainment for the 2006 Community Celebration:

July 12 – LaFlavour

July 13 – Jimmy & the Soul Blazers

July 14 – The Texas Toast Band

July 15 – Q92 Radio for Saving Jane and for Roger Hoover.

3-0 yes

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

The Pledge of Allegiance was recited.

Public Speaks – None

Meeks invited Bill Franks of the Stark County Health Department to provide an overview on the Health District.

ATTACHMENT 06/26/06 C

Mr. Franks gave a brief history on the development, funding and purpose of health districts. The Stark County Health District receives approximately \$240,000 a year from Jackson Township. He explained the cost of services going back to a Township can't be determined with any great accuracy because of varying demands from year to year in different areas of the County. The direct cost of the environmental program to Jackson Township is around \$80,000. They add a standard indirect cost of 30% so the total paid by Jackson Township to the environmental programs is about \$104,000.

Gonzalez pointed out that governments usually reward those who spend the most, therefore, cities get the most. With the Stark County Health District, the cities are not included since they have their own Health Departments, so the Townships are the largest contributors.

Police Department

RESOLUTION 06-057, ATTACHED

Meeks moved and Burger seconded a motion that pursuant to ORC Section 505.49 and 509.01, John G. Crane is hereby appointed to the position of full time Patrol Officer and Police Constable for the Jackson Township Police District Department, Stark County, Ohio, effective at 0001 on July 8, 2006 at the compensation rate and benefits contained in the Negotiated Agreement and we hereby accept the attached Oath of Office. **3-0 yes**

RESOLUTION 06-058, ATTACHED

Meeks moved and Burger seconded a motion that pursuant to ORC Section 505.49 and 509.01, Robert P. Nyitray is hereby appointed to the position of full time Patrol Officer and Police Constable for the Jackson Township Police District Department, Stark County, Ohio, effective at 0002 on July 8, 2006 at the compensation rate and benefits contained in the Negotiated Agreement and we hereby accept the attached Oath of Office **3-0 yes**

RESOLUTION 06-059, ATTACHED

Meeks moved and Burger seconded a motion that pursuant to ORC Section 505.49 and 509.01, Vincent S. Greer is hereby appointed to the position of full time Patrol Officer and Police

Constable for the Jackson Township Police District Department, Stark County, Ohio, effective at 0003 on July 8, 2006 at the compensation rate and benefits contained in the Negotiated Agreement and we hereby accept the attached Oath of Office. **3-0 yes**

RESOLUTION 06-060, ATTACHED

Meeks moved and Burger seconded a motion that pursuant to ORC Section 505.49 and 509.01, Robert P. Rowland is hereby appointed to the position of full time Patrol Officer and Police Constable for the Jackson Township Police District Department, Stark County, Ohio, effective at 0004 on July 8, 2006 at the compensation rate and benefits contained in the Negotiated Agreement and we hereby accept the attached Oath of Office. **3-0 yes**

ATTACHMENT 06/26/06 D

Meeks moved and Burger seconded a motion to hire Tabitha L. Covey as a part-time Police Aide, through the temporary service, at the rate of \$8.25 per hour, effective June 27, 2006. **3-0 yes**

ATTACHMENT 06/26/06 E

Meeks moved and Burger seconded a motion to adopt and authorize the placement of the Board President's signature upon the attached letter to Dominion East Ohio. **3-0 yes**

ATTACHMENT 6/26/06 F

Meeks moved and Burger seconded a motion to approve the appropriation transfer request from account code 209.250.5599, Fed. Equitable Sharing, to account code 209.250.5516, K-9 Expenses, in the amount of \$1,000.00, from account code 209.250.5599, Fed. Equitable Sharing, to account code 209.250.5446, Medical, in the amount of \$2,500.00, from account code 209.250.5599, Fed. Equitable Sharing, to account code 209.250.5656, Inventoried Office Equipment, in the amount of \$17,000.00, and from account code 209.250.5599, Fed. Equitable Sharing, to account code 209.250.5652, Police Equipment, in the amount of \$4,500.00 for a total amount of \$25,000.00. **3-0 yes**

Meeks moved and Burger seconded a motion to accept a \$500.00 donation to Hooked on Fishing from Massillon Cable TV, Inc. **3-0 yes**

ATTACHMENT 6/26/06 G

Meeks moved and Burger seconded a motion to acknowledge a \$4,000.00 Grant from Ohio Department of Natural Resources, Division of Wildlife, for Hooked on Fishing, not on Drugs program. **3-0 yes**

Administration Department

Larry Marcus, Vice-President with the Stark Development Board, presented the loan request of Management Recruiters to the Board. The total loan request is for \$50,000. Only \$31,000 of that is requested as a new loan. There are no new monies being requested from the Township as these funds are on account in RLF. The company is looking to add 3 jobs, has previously received money from this program and carried out their end of the agreement.

RESOLUTION 06-061, ATTACHED

Meeks moved and Burger seconded a motion to adopt and authorize the placement of the Board’s signatures upon the attached letter to the Stark Development Board Finance Corporation (SDBFC) approving the RLF loan request of David L. Reliford dba Management Recruiter’s as described in the attached June 15, 2006 letter from SDBFC. **3-0 yes**

ATTACHMENT 06/26/06 H

Pizzino moved and Burger seconded a motion to vote for the appointments of the following members and alternates to the District 19 Public Works Integrating Committee of Stark County, as recommended by the Stark County Township Association, and to authorize the Board President to sign the ballot:

Members: Steven M. Meeks, Jackson Township Trustee
Richard Pero, Osnaburg Township Trustee

Alternates: Jim Holmes, Perry Township Trustee
John Speicher, Tuscarawas Township Trustee

3-0 yes

Meeks moved and Burger seconded motion to set the public hearing for zoning amendment 553-06 on July 10, 2006 at 6:45 p.m. **3-0 yes**

ATTACHMENT 6/26/06 I

Meeks moved and Burger seconded a motion to approve the Negotiated Agreement between the Jackson Township Board of Trustees and the Fraternal Order of Police, Ohio Labor Council, Inc. (Office & Clerical Employees), effective 7/1/06 to 6/30/09. **3-0 yes**

ATTACHMENT 6/26/06 J

Meeks moved and Burger seconded a motion to approve 3.5 percent salary increases for Class B, Class C, and part-time employees, per the attached list, effective July 1, 2006, which shall be calculated on an hourly rate basis. **3-0 yes**

Highway Department

RESOLUTION 06-062, ATTACHED

Meeks moved and Burger seconded a motion that Superior Paving & Materials, Inc. is the lowest and best bidder for the Resurfacing Project 2006 and hereby award a Contract to them in the amount of \$554,990.00 in accordance with the Company’s proposal and the Specifications and authorize the placement of the Board’s signatures on the Contract. **3-0 yes**

ATTACHMENT 06/26/06 K

Pizzino moved and Meeks seconded a motion to approve Budget Module 4-06-A, Resurfacing, for additional funds in the amount of \$5,000.00. **3-0 yes**

ATTACHMENT 06/26/06 L

Pizzino moved and Meeks seconded a motion to approve the appropriation transfer request from account code 204.310.5220, Hospitalization, to account code 204.310.5606, Resurfacing, in the amount of \$5,000.00. **3-0 yes**

RESOLUTION 06-063, ATTACHED

Meeks moved and Burger seconded a motion that J.D. Striping & Services, Inc. is the lowest and best bidder for the Striping Project 2006 and hereby award a Contract to them in the amount of \$43,747.21 in accordance with the Company's proposal and the Specifications and authorize the placement of the Board's signatures on the Contract. **3-0 yes**

ATTACHMENT 06/26/06 M

Pizzino moved and Meeks seconded a motion to approve Budget Module 3-06-A, Re-striping, for additional funds in the amount of \$2,750.00. **3-0 yes**

ATTACHMENT 06/26/06 N

Pizzino moved and Meeks seconded a motion to approve the appropriation transfer request from account code 204.310.5220, Hospitalization, to account code 204.310.5420, Striping Services, in the amount of \$2,750.00. **3-0 yes**

ATTACHMENT 06/26/06 O

Meeks moved and Burger seconded a motion to adopt and authorize the placement of the Board's signatures upon the attached Tenth Supplemental Agreement to Agreement 1999-2. **3-0 yes**

Boger presented the proposed changes to the agreement with the Stark County Engineer regarding the Fulton Dr. widening between Lake O'Springs & Wales Ave., Strausser St. improvement between Lake O'Springs & Wales Ave., and Frank Ave. improvement between Mega St. & Waywood St. Meeks will represent the Board at a meeting with Mike Rehfus of the Stark County Engineers Office.

Legal Department

RESOLUTION 06-064, ATTACHED

Meeks moved and Burger seconded a motion to adopt the Countywide All Natural Hazards Mitigation Plan as the official plan of Jackson Township and authorize the placement of the Board's signatures upon the attached letter to Director Warstler. **3-0 yes**

Fiscal Office

ATTACHMENT 06/26/06 P

Meeks moved and Burger seconded a motion to pay the bills in the amount of \$576,208.33. **3-0 yes**

ATTACHMENT 06/26/06 Q

Meeks moved and Burger seconded a motion to approve the minutes of the June 12, 2006 Board of Trustees meeting. **3-0 yes**

ATTACHMENT 06/26/06 R

Meeks moved and Burger seconded a motion to approve the request to the Stark County Auditor for advance of taxes. **3-0 yes**

Routine Business

Announcements

- Next regular Board of Trustees meeting, July 10, 2006, 4:00 p.m. Executive Session and/or Work Session, 6:00 p.m., General Session, Township Hall.
- LOGIC, July 6, 2006, 9:00 a.m., Safety Center, Chiefs' Conference Room.
- CIC, August 7, 2006, 5:30 p.m., Jackson Library.
- Board of Zoning Appeals:
 - June 22, 2006, 7:00 p.m., Township Hall.
 - July 13, 2006, 7:00 p.m., Township Hall.
- Citizens Advisory Committees:
 - Community Celebration, July 6, 2006, 6:00 p.m., Township Hall.
 - Park, July 18, 2006, 6:30 p.m., Township Hall.
 - Highway/Traffic, August 16, 2006, 6:30 p.m., Township Hall.

Old Business – None

New Business

Pizzino moved and Burger seconded a motion to accept a \$1,000.00 sponsorship donation to the Community Celebration from Employers Health Purchasing Corp. of Ohio. **3-0 yes**

Pizzino moved and Meeks seconded a motion to accept a \$500.00 sponsorship donation to the Community Celebration from Sluggers & Putters, Inc. **3-0 yes**

Pizzino moved and Meeks seconded a motion to accept a \$100.00 sponsorship donation to the Community Celebration from Stancato's Auto Service, Inc. **3-0 yes**

Pizzino moved and Meeks seconded a motion to accept a \$100.00 sponsorship donation to the Community Celebration from Staley Technologies. **3-0 yes**

Pizzino moved and Meeks seconded a motion to accept a \$35.00 donation to the Fire Department from Belden Park Condominiums in memory of Charles Cramer. **3-0 yes**

Public Speaks – Open Forum

No one came forward.

Central Maintenance

Carles Moore updated the Board on the maintenance employee out on extended leave. It will be about four weeks before he returns.

The eight police cars have been ordered. Five will be marked patrol cars, one is complete and on the road, one will be on the road very shortly and one was backordered. The two unmarked cars are ordered.

There were very minor problems caused by lightning during the storms last week.

At 7:02 p.m., Pizzino reopened the Public Speaks portion of the meeting.

Public Speaks – Open Forum

Gary Brown of 1225 Leecrest St., Jackson Township, spoke regarding his concern about a property on his street. He has been trying for months to get the Township to go take care of the tall grass and writing on the side of the house. He asked when this would be done.

Poindexter said that the certified receipt was received from the property owner and a memo has been sent to the Park Department to mow the property. It should probably be done by the end of this week.

Gonzalez pointed out that with respect to the writing on the house, Mr. Fitzgerald was preparing legislation to cover that. It should be ready for the first reading at the next meeting but it will take some time. The police could probably cite the property owner and fine him so much per day.

Neftzer reported that he has spoken with the Prosecutor's Office in regard to citations of that type and was advised that the Police really didn't have the tools to deal with that sort of thing effectively. Although, the legislation that Mr. Fitzgerald is preparing should take care of that.

ZONING AMENDMENT 550-06

Pizzino opened the Public Hearing on Zoning Amendment 550-06. It's an amendment from R-R to B-3 at 6649 Wales Ave. N.W. At this time, I'll turn it over to our Zoning Inspector. Joni.

Poindexter: Thank you. The property owner for the amendment is Patrick and Linda Casey, 6649 Wales Avenue NW, Massillon, the applicant is Christopher Scala, 5561 Fox Tail Circle, Canton, Ohio 44718 and the application is signed by Christopher Scala. The proposal is to re-zone 2.85 acres from R-R Rural Residential District to B-3 Commercial Business District. The property is located at 6649 Wales Avenue, Section 16NE, Jackson Township. This was

submitted to Stark County Regional Planning on April 21, 2006 and at their May 9th meeting, Stark County Regional Planning recommended approval of a modification to B-2 Neighborhood Business District and their facts that were considered are as follows:

1. The tract proposed for re-zoning is the site of a single family home and garage on the edge of an extensively developed residential area located south of the intersection of Wales Avenue and Portage Street.
2. The acreage was part of a larger tract considered for re-zoning in 2003, which was recommended for denial by RPC due to concerns of compatibility and the existing ditch/stream which created a natural buffer. However, the Township re-zoned the rear 300 feet of the property to B-3 Commercial Business to allow an existing business along Portage to expand onto this property. The subdivision and combination of these tracts were recently completed.
3. The existing B-3 district extends north to Strausser Street, along both sides of Wales and west to Lorraine, along Portage. While RPC recommended denial of, or modifications to, previous zoning amendments in this area, the township has rezoned an extensive area on the east side of Wales to B-3, extending the commercial zoning district further south into the residential area.
4. Some of the permitted and conditionally permitted uses in the proposed B-3 district, such as gas stations, wholesale outlets, vehicle sales and mini-storage, could have a detrimental effect on the existing residential uses. A less intensive business district could provide a buffer from the more intensive uses along Portage and protection to the single family residences. The B-2 Neighborhood Business District allows some of the same uses as the proposed B-3 District; however, approval of the Board of Zoning Appeals is required for some uses, which could also afford additional protection to the surrounding residential neighborhoods.
5. The business district should not be encouraged to extend further south of this tract, which is consistent with the recently adopted Jackson Township Comprehensive Plan. If Township officials want to consider additional zone changes in this area, they should consider a comprehensive rezoning plan based on existing uses and future development needs.

The Stark County Regional Planning, I'm sorry, the Zoning Commission on May 18th at their meeting recommended denial for the rezoning under the B-3. They did not vote on the B-2 as modified by Regional Planning.

Pizzino: Thank you. Okay. With that, I'll explain a little bit about the hearing. We will open the hearing and we'll have the applicant come up here and actually state his case to this Board. When he's finished, anyone else who wants to speak in favor of it, you're more than welcome to. We'll close that part and anyone who would like to speak against that are more than welcome to

come up and state their case. Then we'll close that and we'll come back to this Board for a decision. With that, Mr. Scala would you like to come up and state your name and address.

Scala: My name is Chris Scala, 5561 Fox Tail Circle, Jackson Township. Thank you, Mr. President and members of the Board, for giving me the opportunity to discuss this property with you. Mr. Gonzalez has projected the map I brought up on the board. I'm not sure, pardon me? This is the first time I've got to use one of these.

This is the intersection of Wales and Portage Street, the property north is towards the ceiling. This right here is the Dairy Mart, well now it's a Circle K Store, to help everyone get their orientation. Right over here is Bair Tractor and this is the property where the office building and doctor's offices are. This piece is the Akron General Medical Center property, body shop and Casey's Countryside Furniture, right here along with this piece here is Casey's also. The piece in question we're looking to rezone is this portion which abuts the piece of property here, approximately five acres, that I own and, I don't own the corner here where Dairy Mart is but this property is B-3.

We've had this property, I believe since the early 90's. We've been waiting for some time for the area to develop further to facilitate any development or use of this property. Through the years, we've had the water line come through, the sanitary sewer has come through now and completed that area with the expansion of Portage Street. Wales Avenue is expanded to four lanes down right here to the end of this portion in blue, to the south. So the piece we have in question before the Board here tonight is already bordered on the west, the entire north and the east side by existing B-3 property. Along with that, the properties to the south, there are several residential, there is no public street here, there is a gravel access road that comes into this property here and then some of the homes are coming off of that. We have on file with the Township, in your files should be a letter from all the property owners represented in blue in support of this request to change from residential to B-3. I take that back there's all the property owners, we have Bruno Ferrante that owns this piece, along with this large portion here. He also has these two properties here, one house and two homes. The corner, these two lots here, are owned by Dr. Bates or a trust set up by Dr. Bates and you have a copy of that letter also from the Wales Trust in the file signed by the Trustee. And also a letter by Ken and Carol Lunt, living in that home right there. This lot, these two lots here with one house on it, is a piece of property that I own in partnership with someone else. There is a home there and we are currently renting that house. I didn't supply you with a copy of that letter, but I was kind of verbally going to tell you that myself, I'm in support of this. Yes, sir.

Pizzino: What's the white block here in the middle?

Scala: This is a Steve Hamrick family that we've talked to. He didn't sign a letter of support but he's not here speaking in opposition. I've had several conversations with him, actually we were going to meet, when I talked with him this afternoon, he thought he would be here and we were going to meet afterwards and discuss, kind of the surrounding neighborhood and some of the conversations that were brought up by adjacent property owners. It was just kind of 'what's going on in my neighborhood', more so what's happening in this area here, than the piece in

question. And those issues are really not before the Board here tonight but I don't have all those answers, I'm just a small portion over here of this much bigger area.

Pizzino: Where's the lane at?

Scala: The lane is right here.

Meeks: They just have an easement to get to their property?

Scala: I'll be honest with you, sir, I don't know what the arrangement is.

Gonzalez: It's a private drive. It's actually – the Township doesn't maintain it.

Meeks: It looks like this parcel is part of this parcel.

Pizzino: Show me that again where it's at, Mr. Scala.

Scala: The ones that I understand, Mr. Bruno Ferrante, his property line, he goes down here, up to there, over and all the way back over here.

Pizzino: Just show me the driveway.

Scala: Right here.

Pizzino: Okay, so everybody to the north of that line, we have a letter that they have no opposition to this.

Scala: Yes sir. Everyone in blue we have support of it. Everyone adjoining or adjacent to that piece of property that we're looking to revise the zoning on is in support of this change.

Pizzino: And in that black, that part in the back, well it really doesn't matter anyway because there's commercial B-3 already butting up to that last square in the back.

Scala: This square right here?

Pizzino: No. That white one, yes. Below it. But that's already B-3, butting up against that.

Scala: This is a residential piece but it is already adjoining B-3 today as we speak.

Pizzino: You're here to ask us to square that off.

Scala: Yes, sir, to square this off right here and coincide this piece of B-3 property with what's on three sides now.

Pizzino: Okay, continue. Thank you.

Scala: We also have a couple gas lines that, I believe there are two existing gas lines there that are in use, and a third gas line, I understand from the current property owner that may be buried there that is abandoned. But the gas lines down along the property line will require, as they always do, additional set backs and things with the, as well as the Township's current set back requirements for when a B-3 abuts a residential and mounding as specified by the Township zoning code. There's one of those many gas wells that we see around the Township here on the property approximately in this location and a gas line running over to these lines that tie in. Again that hampers some of the development there because we have set backs around the well that we have to stay away from perimeter of any building.

Pizzino: Do you know what that set back is?

Meeks: A hundred foot.

Scala: I believe its a hundred foot from the circumference around the well.

Pizzino: So, from that line there's a hundred foot circumference that's cutting across to those main lines.

Scala: Yes.

Pizzino: Okay, thank you.

Scala: Along the property, as you've all driven this before, we've got quite a bit of elevation right here. The road above the lawn area which is going to anything that happens is going to have to have a long driveway down in or come in off of Portage Street. So by the time you take off the back section with gas lines, the side with gas lines, some loss of use in the front there at the immediate road frontage, it really shrinks down the center portion of the property dramatically. But that's not the issue before the Board. We would just look to ask the Board to try to be consistent with what's happening here north, west and to the east of this existing piece of property. We currently have B-3 adjoining a residential property. When we're done, we'll have B-3 adjoining residential with the written consent of all those adjoining property owners.

Gonzalez: Do you have these letters, Chris?

Scala: I do have copies here, Mr. Gonzalez. The Township office has copies of those on hand, right?

Poindexter: They're in the file.

Meeks: Do we have copies?

Poindexter: Yes, they're in the file.

Meeks: What would be the proposed adjacent property to the rural residential in blue? And again, normally, I think when a zone change like this comes before us, there is a purpose in mind. Do you have a purpose for this parcel?

Scala: Yes, I do, sir.

Meeks: Do you?

Scala: I do not have a specific piece of the building to tell you that is going up there today. But along with this piece of property, we've been, as I said, I've been waiting for some time for the development of the intersection to take place and the utilities, which are all vital. Along with this, once I'm able to have the zoning in place so that it is able to be worked together as one piece, we will develop that property, hopefully, fairly soon and begin to put our plan together with an architect. Whether there's some division of properties coming off the frontages here, this would require some fill to be brought in but I guess I was holding to try and bring these parcels together so we could do a unified design of something that would fit and have access possibly off of both roads and tend to flow there and not be segmented.

Meeks: I can appreciate that. The concern that I have and I know that once you bring those plans in you've got to fill your landscape plan and everything but to buffer those rural residential lots that are adjacent to what would be the newly, if we would grant that change. I'm not looking at you to make any confirmation that the landscape buffering would be something that would be adequate and take the concern out of the rural residential neighborhood, the neighbors that are adjacent to that, but yet, on the other end, if you do have B-3 to protect that view, you know what I'm trying to say Chris?

Scala: Well, I think the Township plan does specify a size of mound that is required as well as plantings that are required there. And I would say that we would minimally meet that as well as maybe supercede those.

Meeks: We can't hold you to something that you don't have. Have you thought of the comments from RPC of B-2?

Scala: Well, if it, again with the uniqueness of the property with the adjoining existing B-3, the elevation change off the road, oil wells here and gas lines, it brings the property down quite small so to tie it in through here and then to restrict it further by having a zoning change in the middle of that piece of property just didn't seem to fit.

Meeks: What you're doing is, all you're doing is recreating what you presently have with the parcel that you own presently. That's rural residential now abutting B-3.

Scala: Correct.

Meeks: And you're asking for that to be changed to B-3 that would be abutting rural residential.

Scala: Yes, sir.

Pizzino: Well, I guess what I'm looking at and I know you have the letters from all those neighbors that basically that affects. I'm looking at the gas lines, Mr. Scala, and I'm looking at the back gas line and it does comply, you're right, it complies with our Comprehensive Plan because the only thing we're doing is squaring off that property and I agree with that part of that statement. And we knew when we put the Comprehensive Plan together there's going to be pieces throughout the community that are going to be isolated cases like that. But I guess what I'm really having a hard time with right now is on that gas line that's running east and west and that one that's running north and south and with that well, you have very little usable land there. Unless you're just going to actually buffer it and once you put the buffer there, once you put the tree line there, once you stay away from that 100 foot circumference of the gas well, other than maybe a little bit of parking, well, again, I'm just telling you my opinion, there's really not a lot of usable land there.

Scala: It is restricted by the shape of the property and the elevation and the oil well and gas lines. But it's, I think, at a valuable intersection in the Township. We've had a lot of people through the years trying to buy the corner wanting to put in lumber yards and different types of other businesses that I don't think will represent the Township in that vital, what I think, is a vital intersection. I think by tying these two properties together, enabling us to do our own mini comprehensive plan of that corner and then trying to develop that, I think we'll make a good usable piece of property there in Jackson Township for the community in general.

Burger: I have a question concerning the gas lines. They don't allow any landscaping as far as trees, this, that, or anything else on there, if I remember correctly, so obviously, that would be pretty much natural grass or some type of landscaping where you'd mow it. Correct?

Scala: I'm not sure, Mr. Burger. I would have to check and see if you can mound that, maybe.

Burger: I don't think so, because in the last year or two, the people that live in this allotment here to the west of us, were sent letters about barns, fences and so forth that are on the right of way for the gas lines that go from up here at the Yearkey station all the way over to the pumping station. So really as far as constructing some of the property there with a buffer, I can't see that, but so there again. . .

Pizzino: Up against the house lines, I could see the buffer. I don't know what you're going to do from north to south and that gas line that's running north to south because the gas line on my property, the gas company would not allow us to do anything but put gravel on it. They said it has to breathe and it was an easement. So you know my concern is up against the R-R. Again, what I see, once you put the buffer zone in there and once you put the trees up there, very, very limited with what you can do with that. But I also see what you're trying to do is square off the property and see whatever plans you put together for that corner, try to incorporate into that little bit, but most of that's unusable, in my opinion.

Meeks: Let me ask you this. I know we've driven past this site a million times, and I know how low it is, I'm concerned with the adjacent property directly south of this. If you fill that, Mr. Scala, are the properties, excuse my ignorance on the first two homes there – many of the homes actually abutting that, are they higher than your property? Or are they the same level, because

what my concern is, and I always worry about downstream effect, if you pull the table up here, where will that force that water? I don't want you to have a hardship on your adjacent property owners.

Scala: These lots over here are quite a bit higher than this portion. These lots, their driveways come right in off of 241, pretty flat with the roadway. This driveway here does drop down some and one of the reasons in here, I believe, at this point in time there's a sewage problem in here because they're down in a low spot and they can't get gravity sewer out. So you do have some water flow there is a creek of some sort that runs down through here and runs down through the property.

Pizzino: Is that a County easement? Is that a County creek?

Scala: Yes, it is.

Burger: Yes.

Pizzino: It is? Thank you, Mr. Burger.

Burger: Actually, it flows down through - what is it Lorraine? - there below Portage, down through that allotment there. Then actually it ends up coming all the way down behind the Middle School into Nobles Pond. So that all that natural drainage up there is. . .

Pizzino: As long as it's a County ditch, I'm comfortable with that.

Meeks: But the other thing that's a huge improvement in that area is the County sewer. I mean, all of his water that he would retain on that would be in that. You'd have to capture it and put it in the storm sewers that are presently out there. So as far as run-off wise. . .

Pizzino: Is there enough fall to run that drainage towards Portage?

Meeks: Not presently.

Scala: Right off hand, I would say no.

Gonzalez: That was an issue during the Akron General thing. I tried to get that pond where they built the retention basin. I know that during those hearings Mr. Casey, worked with Mr. Moore, at that time, about drainage on that property. I don't think that ever became a reality.

Casey: Actually, when the road was widened. . .

Gonzalez: You know, if you're going to speak, Mr. Casey. . .

Casey: Oh, I'm sorry.

Pizzino: Why don't we let Mr. Scala. Are you finished with your presentation?

Scala: Yes, sir.

Pizzino: Okay, Mr. Casey would you like to come up and state your name and address, please, for the record and answer any questions from the Board.

Gonzalez: The question I have is what happened. I remember sitting through the hearing with Akron General and we were negotiating with Mr. Moore at the time.

Pizzino: Before you answer, name and address.

Casey: Leo Casey, I live at 6649 Wales Rd. Where we left it with Mr. Moore was, Mr. Moore was going to work out something with the Township and I met with Mr. Boger and since that never happened.

Gonzalez: So none of the Akron General thing had any effect on your property?

Casey: No. But afterwards when the State went through and took the land in front of the house, the Township settled up some money to take care of the ditch and we had it widened and contoured.

Pizzino: So you have no water problem now?

Casey: No.

Meeks: What happened was we made Akron General honor at least their portion of payment for the lane as well as the retention basin.

Casey: Okay.

Gonzalez: We worked with them to get the money and the land for the retention basin.

Meeks: Absolutely.

Gonzalez: Most people didn't realize that.

Casey: Well, no, I knew that in talking with Mr.

Meeks: They knew of the problems in that area of the water.

Casey: Right, right. As far as the gas lines are concerned, each side there's a 25 foot easement, so you have to stay 25 feet each way. You can mound it but you'd have to go the 25.

Pizzino: As long as you give them their easement.

Casey: Right, that's all they care about.

Pizzino: Sure, I have the same problem.

Meeks: Property's shrinking.

Pizzino: Anything else?

Casey: No.

Pizzino: Okay, thank you. Mr. Scala, anything else from you?

Scala: No, sir.

Pizzino: Is there anyone else who would like to speak in favor? Okay, at this time I'm going to close. . . Oh, come on up. There you go again. Please state your name and address.

Ferrante: Dominic Ferrante, 6206 Beachland Circle, I'm representing my brother. My brother currently works out of state and he's the one that currently owns, I would say the majority of the blue that is up on the map right now. As his letter was presented at the zoning hearing, he has no objection to the zone change. Like has been said, the neighborhood's changing, the road's widening, conducive to a residential area. You're hearing more of the noise. To him it's not a neighborhood anymore because of the increased traffic and so forth. Like I said, I'm here representing him, and he has no opposition.

Pizzino: We appreciate your coming up. Thank you. Anyone else? Okay, at this time, I'm going to close this part of the hearing. Would anybody like to come up and speak against it or any concerns you may have. Would you please state your name, address and where you live on that map?

Kuhns: I'm Barb Kuhns, 6609 Wales Avenue. I'm the little white spot down by all the blue, right next to the green. And it's green because I voted with the zoning for it because Mr. Casey wanted it for his store – store only. So maybe I shouldn't have done that, but no, I'm not for it. I agree with the zoning, we should keep commercial on that side of Wales because if we let that one go you know the rest in the blue are going to want money, the ones on the road, and the ones back in the boonies, it's a neighborhood, it's a nice neighborhood. And it still could be but if we let commercial in it's going to keep coming.

I monitor on a bus and I know we have traffic but commercial areas are a lot worse getting in and out, making lefts on than it is on a four lane. On Portage where its four lanes with residences, it's no problem. On Frank where you have the office buildings and you have a nice allotment back there, it takes us forever to make a left there. Even our driver noticed that sign and she wanted to know what that way back sign says and Zoning? And I said, yes, they want to change it. She said there's enough dang commercial on this street, we don't need any more. If you do go up north on Wales, it's all commercial. Look at it. It's a mess. I have to go against it.

Pizzino: Okay. Thank you. Anyone else?

Cosentino: My name is Vivian Cosentino, 6525 Wales. I'm just south of Mr. Scala's rental property that's showing on there and I go back almost 900 feet toward Lorraine. I realize that things change but what's happening, that blue there that they're talking about that they're agreeing with, Mr. Ferrante doesn't live there. He's renting those two properties, he lives out of town and I know he's allowed to do that but would it be a year before he would be in and I about that B-3, I'd like to have mine, too. Then Mr. Scala's the next one down and I would be the buffer for is it Kirkstead Place where Celina goes down through? Because my land goes down along all those properties on Celina, down my side property. Right now I'm a buffer and I'd like to stay there, I don't want to move. My daughter would like to live there later, so I'd like to see those eleven homes in there right now. Now the blue area doesn't show mine but the others, I'd like to just see it stay residential. It was commercial at the corner when we moved in there 53 years ago and we never had a problem. But we don't need it down any closer. And I think they've done a good job. As far as across the road, if Akron General doesn't do something, isn't that supposed to revert back to rural residential?

Meeks: Yes, absolutely.

Cosentino: So it won't be a matter of squaring it off again.

Pizzino: It could stay a medical facility. As long as it's something to do with the medical field.

Meeks: It has to be equal to.

Pizzino: Right. That's a B-3. . .

Meeks: Or it goes back

Pizzino: And maybe just a field forever. Maybe it will be green space forever.

Cosentino: Yes, a nice field.

Pizzino: Okay, well, thank you. Anyone else? At this time I'm going to close that part of the hearing. Now it's going to come to this Board. Gentlemen, what's your pleasure?

Meeks: Well, I can start. I like reading the information from our Zoning Commission and the reasoning for their wisdom. But they don't, for whatever reason, I don't know why they don't give a lot of even the modification. I do understand, though, that we do have a Comprehensive Plan that we just adopted and like we had stated, though that Plan is something that is a living and breathing document, as our Township grows and it changes so must that. One thing that I do pride myself on is because of the hard work of that Committee, it is giving us somewhat of a Township bible that we should look at and improve. When things come up that we are faced with to look at making an area - I don't really want to say more productive - but more conducive to what is going on, I think we need to take a hard look at that and look at all the facts.

There are many issues but we have to focus on Mr. Scala's parcel and what he is asking to change rural residential to B-3. I do sympathize with Mrs. Kuhns in the back part there. How

that ever got plotted without a dedicated street, or any of those, is beyond me but that's another whole issue. Why that road wasn't put through clear to Lorraine, I have no idea. But irregardless, the blue is not the only part that is in discussion with the parcel that is presented and those adjacent property owners and the integrity of that area. I think once Mr. Scala improves that lot to where he could actually use it, I know what it looks like now, I think it would be a huge improvement when he is done with it but I don't think that parcel affects as much as, there again, I'm surmising, but I'm looking at once he is done and with the restrictions on your easements around it, it's really conducive to the buffering that will be needed to the adjacent property owners more so than what they have now. Actually, it would put it in place for whatever he has planned for anything north of that.

I know one thing though that the Scala family has been in our community for many, many years and they have always had a sense of pride and quality and I think that if Mr. Scala had anything other than to improve that area, he wouldn't attach his name to it. It is quite unusual to look at something without a site plan in place, but again, that's for if he ever does decide to build on that or the other adjacent properties that are presently B-3, he will have to comply and I'm sure that they will.

Pizzino: Thank you, Mr. Meeks. I guess I'll be next, unless Bill you want to go?

Burger: Go ahead.

Pizzino: Well, again, my concern is our Comprehensive Plan. Our Plan, when we put that together, we stated a number of times, we know it's just a guide and we know that we're going to have to square off some properties and this is just what we were talking about. There's the gas lines that kind of bothers me, you know, I just don't know what you're going to do with that property, Mr. Scala, once you put up the mounds and the buffer zones on both of those. I understand what you're trying to do, you're trying to get all the property you can and basically then put your plan together if it's a business office or whatever which it more than likely would be but this Township resident made a very interesting point. Will it keep creeping south? I don't think so because we're not squaring off, there's only one little piece that we have to square off here. If we go any further south we're going into the neighborhoods. So, will that ever become B-3? I think there would be a heck of an argument why it wouldn't become B-3, but with the property behind that and again I have no idea why they just did that little section there, but I think that what you're asking for is not unreasonable especially with all the property owners, basically, their permission. As Mr. Meeks said, Mr. Scala, you've come to this Board a number of times, you helped us out on Erie when we had problems with the neighborhood. You were there way before the neighborhood was, you corrected that situation. You've been a good neighbor to everybody. Like I said, my only concern is what can you really use the property for even if it is B-3? So that's my own comment. Mr. Burger?

Burger: I agree with what you just said, Mr. Pizzino. Right now, the question for that piece of property is really, what are you going to do with it? You've got B-3 around there, and obviously they have signed agreements with the people that own the majority of the area in blue that we don't know what they're going to do with it a year from now or two years from now. But by at least trying to square off some of the boundary and making Mr. Scala's property there the B-3 or

the B-2, whichever comes up, at least we're going to square part of it off and I just, in my own mind, I can't convince myself what else we could do with that block of property there. Like Mrs. Cosentino said and you Mrs. Kuhns, we don't know what's going to happen in the area in blue. And obviously, we have, what, two people that are kind of on the border of not knowing either.

We talked about the Comprehensive Plan and no matter how many hours they spent, we're still going to end up in situations like this that we're going to have to make a hard decision as to what we're going to rule there. But I guess I would have to, in my own mind, square that area off there, where you live, Mr. Casey, and like I say, we don't know what's going to happen in the future.

Pizzino: Okay, thank you, Mr. Burger. Mr. Fitzgerald.

Meeks: I have one more comment.

Pizzino: Okay. Mr. Meeks.

Meeks: I think in looking at it, we don't have a crystal ball however if anything that is as close to a crystal ball for our future in this Township is our Comprehensive Plan. And if it is the wishes of this Board, to go ahead and square this parcel off, what it has done is it has given us a huge tool to maintain the B-3 in that corridor and more so protect those that are south of that. Because, quite frankly, if anything is to encroach in that rural residential it should be a step down and protect the rural residential neighborhoods. Unfortunately, we have let the B-3 encroach into that area with that little block. I'm just saying that I, it appears that in the best interest of what we talk about in conjunction with our Comprehensive Plan that that should be squared off.

Pizzino: Mr. Fitzgerald, would you explain what the next step would be.

Fitzgerald: Well.

Meeks: I think it should be to deny the recommendation of the Zoning Commission

Gonzalez: You need a motion.

Pizzino: I know, but I want him to explain to the public, please.

Fitzgerald: The statute says they either vote to adopt, deny or modify the recommendation of the Zoning Commission. To deny it or modify it would call for a unanimous vote of the Board. So if you move to deny the recommendation of the Zoning Commission, you're in essence approving the B-3.

Pizzino: Do I have a motion from anyone?

Meeks: Before that motion, is it out of line to ask a member of the audience for any comment?

Pizzino: Well, we already closed the hearing, but if you want to reopen the hearing, I'll be glad to reopen it.

Meeks: No. You don't have to, I was just going to ask Mr. Bennett a question.

Pizzino: Okay, do I have a motion?

ATTACHMENT 06/26/06 S

Meeks moved and Burger seconded a motion to deny the recommendation of the Zoning Commission on Amendment 550-06 (R-R to B-3, 6649 Wales Avenue NW). **3-0 yes**

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

John Pizzino

Randy Gonzalez