

## RECORD OF PROCEEDINGS

### MINUTES OF JACKSON TOWNSHIP BOARD OF TRUSTEES MEETING

**MARCH 10, 2015**

Pizzino called the meeting to order at 4:00 p.m. at the Jackson Township Hall with Trustee Hawke, Trustee Pizzino, Fiscal Officer, Lyon and Vaccaro present. Trustee Walters arrived later.

Pizzino opened the public hearing on the Police Department Retire/Rehire. Lyon said that Officer Angelo was in the audience and that this meeting is required by the Ohio Public Employees Retirement System. She said it has been proposed that Officer Angelo be rehired as a part-time police officer with no benefits, working a maximum of 28 hours a week.

Pizzino asked if anyone wanted to speak in favor. No one came forward.

Vaccaro said there is another step to go in the process but he said it was a benefit to the Township to look into doing this. He said they are on course to follow the procedure as required by the Ohio Revised Code. Lyon said the next step would be a resolution on March 24.

Pizzino adjourned the meeting to open the Tax Incentive Review Council meeting.

Pizzino called a recess until 4:30 p.m.

At 4:16 p.m., Pizzino called the work session to order.

#### **Work Session**

##### **ATTACHMENT 03/10/15 B**

Ashley Takash, Sanitarian, Stark County Health Department spoke to the Board about hoarding. She pointed out that they are providing education, particularly to first responders, to recognize hoarding and invited anyone interested to attend the meetings on the first Friday of every month.

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

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

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

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

Upon return from Executive Session at 5:58 p.m., Walters called the General Session to order with all department heads present. He requested that all cell phones be turned off at this time.

The Pledge of Allegiance was recited.

**Public Speaks – none**

**Public Works Department**

**Highway Division**

Boger opened the following bids for the 2015 Resurfacing Project for 14 miles:

Superior Paving	\$1,049,739.23
Northstar	\$1,196,505.99
Shelly Co.	\$1,512,968.50
Barbicas Construction	\$1,503,471.80

Boger opened the following bids for the 2015 Curbing Project:

T. R. Snyder	\$162,308.16
Spano Brothers	\$148,782.48
Lockhart Development	\$162,960.00
Liberta Construction	\$146,664.00

Walters asked that the bids be looked over and that Boger come back to the Board with his recommendations for the best and lowest bids.

Walters presented Certificates of Recognition to Eagle Scouts Jared Crum, Calvin Long and Justin Long.

**Public Works Department**

**Highway Division**

**ATTACHMENT 03/10/15 D**

Walters moved and Pizzino seconded a motion not to object to Bair’s Polaris LLC’s request to change the name of Emmett Boyd Circle NW to Performance Circle NW. However, the Board supports consideration of the fact Emmett Boyd was a long term Stark County employee.

**3-0 yes**

**ATTACHMENT 03/10/15 E**

Walters moved and Hawke seconded a motion to approve the appropriation transfer request from account code 204.310.5387, Discretionary, to account code 204.310.5556, Materials – Snow Ice Control, in the amount of \$7,000.00.

**3-0 yes**

**Park Division**

Walters moved and Hawke seconded a motion to accept the following sponsorship donations to the 2015 Community Celebration:

1. \$100.00 from Don Smith Auto Parts, Inc.
2. \$250.00 from Redmonds Parts & Paint, Inc.
3. \$250.00 from Wenger Companies, Inc.
4. \$1,000.00 from Medical Mutual **3-0 yes**

**ATTACHMENT 03/10/15 F**

Walters moved and Hawke seconded a motion to adopt and authorize the placement of the Board President's signature upon the attached Trade Agreement Guidelines with The Repository. **3-0 yes**

**Administration Department**

**ATTACHMENT 03/10/15 G**

Walters moved and Hawke seconded a motion to approve the attached Password Security Policy and the Jackson Township Code of Responsibility for Security and Confidentiality of Data, effective March 10, 2015. **3-0 yes**

**ATTACHMENT 03/10/15 H**

Walters moved and Hawke seconded a motion to accept the resolution from Senator Oelslager for the Jackson Township Bicentennial. **3-0 yes**

**ATTACHMENT 03/10/15 I**

Walters moved and Pizzino seconded a motion to approve and authorize the Board of Trustees to sign the attached Agreement with the Jackson Rotary, Lions and Kiwanis. **3-0 yes**

**Legal Department**

**ATTACHMENT 03/10/15 J**

Walters moved and Hawke seconded a motion to adopt and approve the placement of the Board President's signature on the attached Health Department Nuisance Investigation Form for a property located at 5646 Wales Avenue NW. **3-0 yes**

**ATTACHMENT 03/10/15 K**

Walters moved and Pizzino seconded a motion to approve and authorize the Board President to sign the attached Agreement and Waiver. **3-0 yes**

**ATTACHMENT 03/10/15 L**

Walters moved and Hawke seconded a motion to approve and authorize the Board of Trustees' signatures on the attached letter as requested by Coleman Professional Services. **3-0 yes**

## **Fiscal Office**

### **ATTACHMENT 03/10/15 M**

Walters moved and Pizzino seconded a motion to pay the bills in the amount of \$1,233,180.44.

**3-0 yes**

### **ATTACHMENT 03/10/15 N**

Walters moved and Hawke seconded a motion to approve the minutes of the February 24, 2015 Board of Trustees' meeting.

**3-0 yes**

### **ATTACHMENT 03/10/15 O**

Walters moved and Hawke seconded a motion to approve the February 2015 Financial Reports.

**3-0 yes**

## **Routine Business**

### **Announcements**

- Next regular Board of Trustees meeting, March 24, 2015, 4:00 p.m., Executive Session and/or Work Session; 5:00 p.m., General Session, Township Hall.
- CIC Meeting, March 19, 2015, 8:00 a.m., Township Hall.
- CIC Work Session, March 30, 2015, 3:30 p.m., Township Hall.
- LOGIC, April 2, 2015, 9:00 a.m., Safety Center, Chiefs' Conference Room.
- Citizens Advisory Committees:
  - Community Celebration, March 11, 2015, 5:30 p.m., Township Hall.
  - Park, April 8, 2015, 6:30 p.m., Township Hall.
  - Highway/Traffic, May 20, 2015, 6:30 p.m., Township Hall.
- Friends of the Park, April 8, 2015, 7:00 p.m., Township Hall.
- Bicentennial Committee, April 14, 2015, 6:30 p.m., Jackson Old School House on Fulton Road.
- Jackson Township Recycling Station Board, March 24, 2015, 11:00 a.m., Buehler's Community Room.
- Snow Emergency Parking Ban – No parking on Township streets when snow is forecast to accumulate two or more inches.

- Annual Community Easter Egg Hunt, Saturday, March 21, 2015, 11:00 a.m., Jackson North Park, for children from crawlers through 4<sup>th</sup> Grade.

**Old Business** - None

**New Business** – None

### **Zoning & Planning Department**

#### **ATTACHMENT 03/10/15 P**

Walters opened the Public Hearing on Zoning Amendment #616-15. Jamie M. Wittersoldner, Esq., 6370 Mt. Pleasant St. NW, North Canton, Ohio 44720 agent for Craig Snee, Co-Trustee, Nancy Snee, 5694 Shuffel St. NW, and Wesley & Marcia Snee, 5762 Shuffel St. NW, North Canton, Ohio 44720, propose to rezone approx. 98.25 acres, more or less from R-R Rural Residential District to I-1 Industrial District located on the south side of Shuffel, north of Strausser, east of Lake O'Springs, parcels 1627218, 1620999, 1627220, 1627215, & 1627213 also known as 5335 Strausser, 5694 and 5762 Shuffel NW, Sections 2SW/2SE Jackson Township.

Poindexter summarized amendment 616-15 for the Board and said this was submitted to Stark County Regional Planning in February and they recommended an approval of a modification to 63 acres. She said it went before the Zoning Commission in February and they recommended denial of the rezone.

Walters opened the hearing by asking if anyone wanted to speak in favor of the amendment.

Craig Snee, 5694 Shuffel NW, told the Board he is part owner and CEO of Earth N Wood. He pointed out that the area around the property has changed over the years and their usage of the property is considered 'non-conforming usage' because it does not comply with the regulations of the district that it is in. He then referred to some maps to show the Trustees the layout of the property. He pointed out that the County's plan shows their recommendation for this area is industrial. He said he would like to have the property rezoned because it would allow him to expand so he could put up additional buildings to store equipment and to move the entrance to Shuffel and close the entrances on Strausser to public access. He said with the zoning as it is he cannot even increase the size of the sales office or erect any buildings. He said they would like to put in a 200 to 400 foot buffer along the border of the parcels with 100 to 300 foot of the buffer designated as open space and the other 100 foot would be the minimum setback required by the code where an industrial zone contacts a residential zone. He continued pointing out sections from the Comprehensive Code to support his position for rezoning.

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

Walters asked if anyone wanted to speak against the zoning application.

Gordy Woolbert, 200 Market Ave. N. Canton, Ohio 44702, attorney for Jackson residents, Dick and Marilyn Kempthorn who own about 100 acres south on Stausser. Mr. Woolbert said his clients are opposed to this request and one of the reasons is because this is not in accordance with the Comprehensive Plan. He pointed out that the RPC recognized the inconsistency and how it would impact the strategy of the Comprehensive Plan. He said allowing this rezoning would be in opposition to good land use planning principles. He pointed out that good land use planning contemplates transitional zoning and this zoning application doesn't allow for that transition. He said that because there are three houses on the parcels those parcels cannot be rezoned to industrial. He pointed out that an 'industrial district should be free from encroachment of all residential uses.' He said if there is a change on this property it should not be to industrial.

Neil DelCorso, 4411 Parkdale Ave. N.W., said he was opposed to the rezoning because industrial should not be next to residential.

Steve Jackson, 7776 Satellite Circle N.W., said he opposes this because he doesn't want to see industrial businesses approaching residential properties. He said he didn't want to see businesses popping up on Stausser and increasing traffic there.

Dawn Ake, 7834 Satellite Circle N.W., said her main concern is that she lives on a corner lot that overlooks into the property. She said when they moved in twenty years ago there were trees and they could not see the property but over the years the trees have come down and they have problems with noise and odor. She said they cannot go out into the backyard when the mulch has been turned. She pointed out that now the buffers have been increased to 200 to 400 feet but asked what is to stop him from going back to a 100 foot buffer. She asked if this was rezoned to industrial what would stop the owners from going to a 24 hour work schedule. She said she is against this because 'as a neighbor, he is not a trustworthy neighbor. He says one thing and does what he pleases.'

Debbie DelCorso, 7799 Satellite Circle N.W., said they have lived there almost thirty years, have raised their children there and their five grandchildren come. She says they oppose this 'because it has grown into such an ugly thing to look at'.

Guy Suffecool, 7518 Fawn Dr. N.W., pointed out on one of the maps that the property is adjacent to a drinking water protection area. He said that on the existing land use map that property is shown as commercial office, not industrial. He also pointed out that the property is adjacent to two conservation areas and the greenway linkage. He said that although Mr. Snee says he will put in 200 to 400 foot buffers there is no guarantee that he will. He said it was pointed out by one of the Zoning Commissioners that if 'Mr. Snee wanted to be a good member of the neighborhood, he could have planted trees along that southern corridor already.' He said that hasn't been done and there's no guarantee that he will. He pointed out that four of the five zoning board members voted against this plan.

Cassandra Mitchin, 5576 Astrojet St., said others have voiced many of her concerns but she wanted to suggest that if this remains a non-conforming use and he is already at the 25% expansion limit so the buffer footage will not change.

John Walter, 5625 Astrojet St., said Mr. Snee is a small business and his buffer suggestions were very good but their concerns are the compliance with the plans as presented. He said the problem is with the raw material situation. He said there are huge piles of scrap wood and while recycling is fantastic, the odor created by mulch can be bad and crushing large pieces of concrete creates an excessive amount of noise especially at 5:00 or 6:00 in the morning or 10:00 at night. He said the neighbors are very concerned about what is going on and that there should be some restrictions and the 25% increase is something they are currently concerned about. He said there should be a way to reduce the odor and noise.

Leonard Del Corse, 7799 Satellite Circle, said most of what he wanted to say has already been stated but wanted to mention the distance between industrial and residential. He said all the distances that have been mentioned are irrelevant; the only one that matters is the one that is required by law. He pointed out that promises mean nothing.

John Scibetta, 7922 Portview Ave., said his house is probably closest to the property and is at the cul-de-sac. He said if there is an entrance made onto the cul-de-sac to help alleviate some of the traffic from Shuffel he strongly opposes that. He said if the zoning change is permitted the trees will come down and buildings will go up and that will decrease property values.

Allyson Wright, 5600 Astrojet St., said she lives across the street but within view. She said she has small children and the noise is loud enough that the reverse beeping has awakened the children in a closed house with the windows shut. She said she has tried to take phone calls outside but the noise is such that she can't.

Walters asked if anyone else would like to speak against the zoning change. No one came forward. He closed that portion of the hearing. He asked if Mr. Snee would like to add anything.

Jamie Wittensoldner, 4658 Mayfair Rd., North Canton, Ohio, said she is the attorney for Mr. Snee and that she wanted to clarify several things. She said Attorney Woolert mentioned that it was illegal to rezone a property with a home on it but the zoning resolution states that the 'purpose of the I-1 district is to provide for these certain things free from the encroachment of all residential uses.' She said in the use regulations it states 'that land or structures shall be used or occupied in a permitted conditional use', which is what this would be. She said the buffer zone they are proposing is in an OS district, meaning Open Space. She said it is not just a promise, they are requesting that it be rezoned to an OS district. She pointed out that the machinery is fixed because electricity is only available in certain areas on the property.

Mr. Pizzino asked what the hours of business are. Mr. Snee answered that the hours vary depending on the time of year. He said from April 15 to June 15 the hours are longer. Mr. Snee said the first employees report at 6:00 a.m. and they shut down around 4:00 or 5:00.

Walters said there are a number of questions that need clarification.

Walters asked Poindexter for a date when Mr. Snee and Ms. Wittensoldner should turn in the amended request specifying the open space and driveway concerns. She said it should be four or five days before so the Board would have a chance to look at it.

Walters moved and Pizzino seconded a motion to permit the applicants five days to complete the amendment and turn it in to the Zoning Department. **3-0 yes**

Walters closed the hearing.

Walters moved and Hawke seconded a motion to table the decision on the hearing until the next regular Board of Trustees meeting on March 24, 2015. **3-0 yes**

### **Public Speaks – Open Forum**

No one came forward.

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

Walters called the meeting back to order.

Vaccaro advised the Board that they reset a meeting on the amendment and allow for both opponents and proponents to address the Board on the amendment on March 24 at 6:00 p.m.

Walter moved and Hawke seconded a motion to reopen the hearing for amendment #616-15 for March 24 at 6:00 p.m. **3-0 yes**

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

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**James Walters**

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**Randy Gonzalez**