

## RECORD OF PROCEEDINGS

### MINUTES OF JACKSON TOWNSHIP BOARD OF TRUSTEES MEETING

**MARCH 12, 2013**

Walters called the meeting to order at 4:03 p.m. at the Jackson Township Hall with all Trustees, Fiscal Officer, Lyon, Fitzgerald, Zink, Boger and Hogue present.

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

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

Upon return from Executive Session, Walters called the General Session to order at 5:10 p.m. 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

#### **ATTACHMENT 03/12/13 A**

Rick Campbell, Stark County Recorder, came in to tell the Board about some of the benefits available to veterans with the identification card. He also explained how to apply for one. He asked that the information be posted so residents could see it when they come in and that the public service announcement be included in the newsletter.

#### **Administration Department**

#### **ATTACHMENT 03/12/13 B**

Walters moved and Hawke seconded a motion to adopt and authorize the placement of the Board President's signature upon the attached Division of Liquor Control, F Permit Application, for the Jackson Township Community Celebration, June 26, 2013 to June 29, 2013. **3-0 yes**

#### **ATTACHMENT 03/12/13 C**

Walters moved and Hawke seconded a motion to adopt and authorize the placement of our signatures upon the attached Agreement with Bates Amusement, Inc. **3-0 yes**

#### **ATTACHMENT 03/12/13 D**

Walters moved and Hawke seconded a motion to adopt and authorize the placement of the Board President's signature upon the attached Agreements with Karri Fedor & Kerosene and LaFlavour. **3-0 yes**

Walters moved and Hawke seconded a motion to re-schedule the regular meeting of March 26, 2013 to March 28, 2013 at 5:30 p.m. **3-0 yes**

Walters moved and Hawke seconded a motion to re-schedule the regular meeting of May 28, 2013 to May 23, 2013, at 5:30 p.m. **3-0 yes**

## **Legal Department**

### **RESOLUTION 13-017, ATTACHED**

#### **ASSISTANT ZONING INSPECTOR POTENTIAL REHIRE PUBLIC NOTICE AND MEETING**

Walters moved and Hawke seconded a motion pursuant to ORC Section 145.381, we hereby adopt and authorize the Fiscal Officer to publish the attached Public Notice, the language of which is incorporated herein. **3-0 yes**

### **ATTACHMENT 03/12/13 E**

Walters moved and Hawke seconded a motion not to request a hearing on the liquor permit to Loby's Bar & Grille LLC, dba Loby's Bar & Grille & Patio, 4736 Hills and Dales, Canton, Ohio 44708. **3-0 yes**

### **ATTACHMENT 03/12/13 F**

Walters moved and Pizzino seconded a motion not to request a hearing on the liquor permit to Lake Cable Restaurants Inc., dba Table 6 Kitchen & Bar, 6113 Whipple Ave. N.W., North Canton, Ohio 44720. **3-0 yes**

## **Public Works Department**

### **Highway Division**

At 5:15 p.m., Boger opened the bids for materials. The bids were received from the following companies.

D & R Supply, Marshallville

Central Allied Enterprises, Canton

Rio Sand & Gravel

Oster Sand & Gravel, North Canton

Massillon Asphalt, Jackson Township

Tiger Sand & Gravel LLC, Canton

American Sand & Gravel, North Canton

National Lime & Stone, Findlay with a plant located in Canton

Northstar Asphalt, Inc.

Walters moved and Pizzino seconded a motion to accept the bid submissions. **3-0 yes**

### **Maintenance Division**

### **ATTACHMENT 03/12/13 G**

Walters moved and Hawke seconded a motion to adopt and authorize the placement of the Board President's signature on the attached Agreement with Serve It Clean, Inc. for office cleaning at the Safety Center. **3-0 yes**

## **Park Division**

Walters moved and Hawke seconded a motion to accept the following sponsorship donations to the 2013 Community Celebration:

1. \$100.00 from the Paul & Carol David YMCA
2. \$100.00 from Don Smith Auto Parts, Inc.
3. \$100.00 from Burnham & Flower Agency of Ohio
4. \$500.00 from Canton/Stark County Convention & Visitors Bureau
5. \$500.00 from Fallsway Equipment Company

**3-0 yes**

## **Fiscal Office**

### **ATTACHMENT 03/12/13 H**

Walters moved and Pizzino seconded a motion to pay the bills in the amount of \$1,156,982.24.

**3-0 yes**

### **ATTACHMENT 03/12/13 I**

Walters moved and Hawke seconded a motion to approve the minutes of the February 26, 2013 Board of Trustees' meeting.

**3-0 yes**

### **ATTACHMENT 03/12/13 J**

Walters moved and Hawke seconded a motion to approve the February 2013 Financial Reports.

**3-0 yes**

### **ATTACHMENT 03/12/13 K**

Pizzino moved and Hawke seconded a motion to authorize Fiscal Officer Randy Gonzalez to collect on behalf of the Jackson Township Trustees the unclaimed funds totaling \$1,086.48 per the Department of Commerce claim form and to affix his signature upon such form.

**3-0 yes**

## **Routine Business**

### **Announcements**

- Public Hearing for Amendment of Illicit Discharge & Illegal Connection Controls Policy and Long-Term Maintenance of Water Quality Practices Policy, March 26, 2013 at 5:15 p.m.
- Next regular Board of Trustees meeting, March 28, 2013, 5:30 p.m., Township Hall.
- LOGIC, April 4, 2013, 9:00 a.m., Jackson Safety Center, Chiefs' Conference Room.
- CIC, March 18, 2013, 12:00 p.m., Township Hall.
- Board of Zoning Appeals, March 14, 2013, 5:30 p.m., Township Hall.

- Zoning Commission, March 21, 2013, 5:00 p.m., Township Hall.
- Citizens Advisory Committees:
  - Community Celebration, March 13, 2013, 5:30 p.m., Township Hall.
  - Park, May 8, 2013, 6:30 p.m., Township Hall.
  - Highway/Traffic, May 15, 2013, 6:30 p.m., Township Hall.
- Friends of the Park, March 13, 2013, 6:30 p.m., Jackson Library.
- Jackson Township Recycling Station Board, March 27, 2013, 11:00 a.m., Buehler's Community Room.

**Old Business** – None

**New Business** - None

Walters called a five minute recess.

Walters called the General Session back to order.

**ATTACHMENT 03/12/13 L**

Walters opened the Public Hearing for Amendment of Illicit Discharge and Illegal Connection Controls Policy and the Long-Term Maintenance of Water Quality Practices Policy.

Fitzgerald explained that Federal law requires townships to have an illicit water discharge policy and this is an amendment to reflect the current law. He said this is the first of two hearings and the hearings have been advertised. Walters asked if anyone wanted to comment on the discharge policy. No one came forward. Walters closed the hearing.

**ATTACHMENT 03/12/13 M**

Walters moved and Hawke seconded a motion to approve the request of the Stark County Engineer to waive the \$250.00 filing fee for a zoning variance. **3-0 yes**

**Public Speaks – Open Forum**

John Karaikos, 5668 Hill Run Circle, Massillon, asked why executive sessions are not open to the public in the interest of transparency.

Fitzgerald said executive sessions are limited to certain purposes like land acquisition and personnel matters. He said the State legislature created exceptions several years ago and that there aren't many exceptions.

Gonzalez said it was set up to protect the people. He gave an example of the trustees talking about buying a piece of land and that knowledge became public. He said the piece of land would be bought and the price would increase.

Walters said another example is if the township is being sued, the trustees could have discussions with legal counsel regarding pending or imminent suits.

#### **ATTACHMENT 03/12/13 N**

At 5:40 p.m., Walters opened the Public Hearing for zoning amendment #601-13. Dearborn Land Investment LLC c/o Zaremba Group LLC, agent for Helline & Associates, Gerald & Rosalie Helline, Kelleric Realty, and Ronald Dougherty, property owners, request to rezone 3437 Whipple and Parcel #1700822 Fulton, from B-1 Suburban Office & Limited Business District, and 3431 Whipple and 4053 Fulton from B-2 Neighborhood Business District to B-3 Commercial Business District. Properties located on the north side of Fulton and west side of Whipple.

Poindexter told the Board this is approximately 1.44 acres and went before Stark County Regional Planning on February 5 and they recommended approval of a modification to B-2 and that a comprehensive zoning review of Whipple and Fulton be done to prevent piecemeal zoning in the future. She said this went before the Zoning Commission on February 21 and they agreed with RPC's recommendation for approval of a modification to B-2.

Walters asked if anyone wanted to speak in favor of the zoning amendment.

John Wojtila who works with Zaremba Group, 14600 Detroit Ave., Lakewood, Jim Pitachick with Larsen Architects, 12506 Edgewater Dr., Lakewood, Ohio 44107 and Catherine Seigfried, supervisor with owner/operator from McDonald's Corp. spoke in favor of the zoning amendment. Mr. Pitachick passed out a binder for the presentation.

Walters asked if anyone else would like to speak in favor of the zoning amendment. No one came forward.

Walters asked if anyone would like to speak against the zoning amendment.

Al Brancifort, 3885 St. Michaels Dr. N.W., Plain Township, a member of the Avoncrest Civic Association said the association has 67 homes in the allotment adjacent to the zoning change request. He asked if the square footage on a sign in a B-3 would be larger than that allowed in a B-2. Poindexter said yes, B-3 is permitted larger signage.

Mr. Brancifort asked the Trustees to delay their decision so the Avoncrest Association would have more opportunity to review and voice their concerns. He wanted the opportunity to review and analyze the impact on the residential communities in the immediate area. He also said it would give them the opportunity to communicate with the local Catholic school and get their concerns. He said the immediate concerns are property values, traffic cutting through the allotment, air pollution with the building located downwind from the allotment, and noise. He said they have forty-six signatures of homeowners requesting the amendment be rejected.

Laurie Wiley, 3884 37<sup>th</sup> St., Plain Township, said she thought the placement of the signs was deceiving for not being more noticeable to people driving on Whipple. She said the lights would not be good for nearby residents and that there is a lot of congestion in that area during church activities and that left hand turns into and out of a McDonald's would create even more congestion.

Joseph Salvo, 3984 36<sup>th</sup> St. N.W., Plain Township, a trustee of the Avoncrest Homeowners Association said one of the concerns is traffic trying to turn left into and out of the establishment. He said there would be an increase of traffic accidents.

Ms. Lu Thomas, Mr. Laurence Fecske, 3945 St. Michael Blvd., and Ms. Debbie Cuckler, 3956 36<sup>th</sup> St. N.W. all spoke against the amendment with the same concerns as the others who spoke.

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

Poindexter pointed out that a McDonald's would be permitted in a B-2 as well as a B-3, the only difference besides signage is the drive-thru.

Pizzino thanked everyone for coming and pointed out that the trustees decision must be based on what is best for, not just that one location, but for the area from Fulton to Munson. He mentioned the prior zoning change at Munson and Whipple to B-3. He said B-3 is better than B-2 in that area because of the setbacks. He said his concern was traffic but he said he has been assured that the State would be involved regarding the driveways. He also addressed some of the other concerns that had been brought up.

Hawke said he agreed with Pizzino and said his concern was the setback.

Walters said he also agreed.

Walters moved and Hawke seconded a motion to modify the recommendation of the Zoning Commission to authorize B-3 zoning. **3-0 yes**

At 6:17 p.m, Walters opened the Public Hearing for zoning amendment 602-13.

**ATTACHMENT 03/12/13 O**

Poindexter told the Board the developer is McKinley Development Co. and the property owner is Brian & Lynn Carlone. She said they are requesting to re-zone R-R to R4 Multi-family at 6990 Hills & Dales Rd., parcel number 10000282, approximately 4.6 acres. She said this went to Stark County Regional Planning on February 5 and they recommended approval. Poindexter reviewed some of the reasons for that recommendation. She said this went before the Zoning Commission on February 21 and they also recommended approval.

Walters asked if anyone wanted to speak in favor of the re-zoning.

Beth Borda, 821 S. Main St., North Canton, representing McKinley Development said they are asking for the re-zone from R-R to R-4 Multi-family because this is the last portion of a larger parcel that was previously re-zoned to multi-family. She said the plans call for two buildings with forty-four garden style apartment homes, enclosed garages and ample green space. She also described additional plans regarding setback, location of the garages and buffers.

John Walsh, GBC Design, 565 Whitepond Dr., Akron, engineers and architects for the project explained that the retention pond was a schematic and not necessarily exact. He explained more about the drainage.

Brian Carlone, 7007 Waltham St., Saybrook Village, current owner of the property said his backyard looks onto the proposed apartments. He said he owns his home and would not put something on the property that would be detrimental to the area.

Walters asked if anyone else would like to speak in favor of the amendment. No one came forward. Walters announced that about twenty letters had been received in favor of the zoning amendment. Walters closed that portion of the hearing.

Walters asked if anyone would like to speak against the zoning amendment. He said there were about fifty letters and a number of e-mails received against the amendment.

David Stitz said his parents, James and Susan, live at 3661 Deer Trace Ave. and they strongly oppose the rezoning on Hills & Dales. He said other options besides apartments for that parcel could be found. He said traffic on Hills & Dales was bad now and an increase of cars trying to turn onto Hills & Dales would make it even worse.

Richard Self, 6889 Thicket St., Deer Trace Allotment, said he was concerned about the drainage. He asked where the water from the retention pond would go when it overflows. He said the sound barrier wall cannot continue because of a sewer line. He said condos like Saybrook Village would be good. Pizzino pointed out that the County handles drainage.

Ray Stancunas, 3479 Vineyard, said he moved to Jackson because of the promise of a vibrant community, with energy, cohesiveness, outstanding schools and wonderful neighborhoods. He said he was concerned that the rules may be changing and that the quality of life, safety and traffic were already an issue on Hills & Dales Road.

Elizabeth Robins, 6988 Buckhorn Dr., Deer Trace Allotment, asked the Trustees to consider increasing owner occupied units instead of renter occupied. She said she had the same concerns as the other speakers.

The following spoke against the re-zoning amendment voicing concerns about traffic, safety and drainage.

Ted Stults II, 3682 Stedman Ave., Providence Allotment  
Dan Ernst, 3614 Whitetail Ave., Deer Trace Allotment  
Cindy Stancunas, 3479 Vineyard Ave., Providence Allotment

Betsy Knis, 3432, Shellburne Ave.  
Francis Kolartis, 3627 Deer Trace Ave., Deer Trace Allotment  
Katy Danner, 6881 Buckhorn N.W.  
Greg Wernet, 3405 Shellburne  
Peter McDaniel, 3495 Deer Trace  
Joe Riffle, 3315 Stillwater  
Gene Barnhart, 2805 Coventry Lane N.W.  
Pat Komanitz, 3533 Deer Trace  
Jim Allman, 6915 Waltham St.  
Denise Cottonbrook, 3473 Shellburne  
Sue Wernet, 3405 Shellburne

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

Walters thanked everyone for coming and said the Trustees appreciated the letters and phone calls. He said there are reasonable arguments on both sides and this is a difficult decision to make.

Hawke pointed out that the Trustees are not approving or denying the site plan for the development.

Pizzino said he didn't agree with Mr. Barnhart that this was spot zoning since there are other apartment buildings in the area but he didn't see any step-down zoning as recommended in the Comprehensive Plan.

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

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

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**James Walters**

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**Randy Gonzalez**