

RECORD OF PROCEEDINGS

MINUTES OF JACKSON TOWNSHIP BOARD OF TRUSTEES MEETING

MARCH 24, 2015

Pizzino called the meeting to order at 4:00 p.m. at the Jackson Township Hall with Trustees Pizzino and Hawke, Fiscal Officer, Lyon, Vaccaro, Brink, Bissler, Hogue and Poindexter present. Trustee Walters was not present.

Pizzino moved and Hawke seconded a motion to go into Executive Session for Zoning Department Personnel (Appointment/Employment/Compensation) – Interview Zoning Investigator applicants. **2-0 yes**

Pizzino moved and Hawke seconded a motion to go into Executive Session for Public Works Personnel – Park Division (Appointment/Employment/Compensation) – Interview leased park worker applicant. **2-0 yes**

Pizzino moved and Hawke seconded a motion to go into Executive Session to prepare for and review negotiations or bargaining sessions with public employees concerning their compensation or other terms and conditions of their employment. **2-0 yes**

Pizzino moved and Hawke seconded a motion to go into Executive Session for Personnel (Appointment/Employment/Compensation). **2-0 yes**

Pizzino moved and Hawke seconded a motion to go into Executive Session for Police Department Personnel (Appointment/Employment/Compensation). **2-0 yes**

Pizzino moved and Hawke seconded a motion to go into Executive Session to consider confidential information related to economic development assistance as described in Ohio Revised Code 121.22(G)(8)(1) and (2). **2-0 yes**

Trustee Walters arrived at 5:30 p.m.

Upon return from Executive Session at 5:50 p.m., Walters called the General Session to order. He requested that all cell phones be turned off at this time.

The Pledge of Allegiance was recited.

Public Speaks – None

ATTACHMENT 03/24/15 A

Walters moved and Hawke seconded a motion to approve the attached Proclamation for Everyone Matters Day. **3-0 yes**

Walters explained that Everyone Matters is a campaign that brings together students, schools, governments and the public with a joint message of inclusiveness.

Police Department

RESOLUTION 15-022, ATTACHED

APPOINTMENT OF PART TIME POLICE PATROL OFFICER

Walters moved and Hawke seconded a motion that pursuant to ORC Section 505.49 and 509.01, John W. Angelo is hereby employed and appointed as a Part Time Patrol Officer and Township Constable for the Jackson Township Police District, Stark County, Ohio, effective April 4, 2015 at 0001 hours, at the established compensation rate up to twenty eight and one half (28.5) hours per week and we hereby accept the attached Oath of Office.

Be it further resolved that John W. Angelo will not be included in the Negotiated Agreement with the Fraternal Order of Police, Ohio Labor Council – Patrol Officer, effective June 1, 2013.

3-0 yes

Administration Department

ATTACHMENT 03/24/15 B

Walters moved and Hawke seconded a motion to approve the Jackson Township NPDES Small MS4 General Permit Annual Report and Storm Water Management Plan to Ohio EPA for year ending December 31, 2014 and to authorize the Board President to sign the attached letter and Annual Reporting Form.

3-0 yes

ATTACHMENT 03/24/15 C

Walters moved and Pizzino seconded a motion to approve and authorize the Board President to sign the Division of Liquor Control, F Permit Application, for the 2015 Jackson Community Celebration.

3-0 yes

Fire Department

ATTACHMENT 03/24/15 D

Walters moved and Hawke seconded a motion to accept the 2013 A.F.G. FEMA Grant. **3-0 yes**

Chief Hogue explained that the amount of the grant is \$51,480.00 and it will be used to purchase 22 sets of firefighter turnout gear with the Township's portion being \$5,720.00.

Legal Department

ATTACHMENT 03/24/15 E

Walters moved and Hawke seconded a motion to request a hearing on the liquor permit to Wasabi House LLC dba Wasabi House, 6338 Strip Ave. N.W. & Patio, Canton, OH 44720.

3-0 yes

ATTACHMENT 03/24/15 F

Walters moved and Hawke seconded a motion to decline NTP Wireless' Proposal to lease land for a wireless telecommunications facility at Fisher Park, and to place the Boards' signatures on the attached letter of declination. **3-0 yes**

Public Works Department

Highway Division

**RESOLUTION 15-023, ATTACHED
2015 RESURFACING PROJECT AWARD**

Walters moved and Hawke seconded a motion that we hereby determine that Superior Paving & Materials, Inc. is the lowest and best bidder for the 2015 Resurfacing Project and hereby award a Contract to them in the base bid amount of \$1,049,739.23 with Alternates A, B, C, D, E, F, G, H, I, and J in the amount of \$239,126.57 for a total Contract amount of \$1,288,865.80 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**

**RESOLUTION 15-024, ATTACHED
2015 CURBING REPLACEMENT PROJECT AWARD**

Walters moved and Hawke seconded a motion that we hereby determine that Liberta Construction Company is the lowest and best bidder for the 2015 Curbing Replacement Project in the amount of \$146,664.00 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 03/24/15 G

Walters moved and Hawke seconded a motion to accept the Safety Grant from Ohio BWC in the amount of \$15,035.83. **3-0 yes**

Boger explained that this grant was applied for by Michelle Caldwell and Victor Volpe and that it will be used to purchase safety equipment for the Highway Department.

Park Division

ATTACHMENT 03/24/15 H

Walters moved and Hawke seconded a motion to authorize the hiring of Thomas Stambolziowski as a seasonal leased park maintenance worker (first year), through a temporary service, subject to a negative drug screen, at the rate of \$8.10 per hour, effective March 30, 2015. **3-0 yes**

ATTACHMENT 03/24/15 I

Walters moved and Hawke seconded a motion to approve Budget Module 15-16 for an Aluminum truck bed in the amount of \$8,600.00. **3-0 yes**

ATTACHMENT 03/24/15 J

Walters moved and Hawke seconded a motion to adopt and authorize the placement of the Board President's signature upon the attached Community Celebration Agreements with The Chris

Wintrip Guitar Academy, Georgia and The Preachers, Chris Wintrip/Legends of Rock – Joe Vitale, and Spicy Rhyme. **3-0 yes**

Walters moved and Hawke seconded a motion to accept a \$250.00 sponsorship donation to the Community Celebration from Southeastern Equipment Company. **3-0 yes**

ATTACHMENT 03/24/15 K

Walters moved and Hawke seconded a motion to waive the Fisher Park permit fee to Fisher Foods. **3-0 yes**

Zoning & Planning Department

ATTACHMENT 03/24/15 L

Walters moved and Pizzino seconded a motion to accept the attached retirement notice from Ronald Revlock, Zoning Investigator, effective May 1, 2015. **3-0 yes**

Fiscal Office

ATTACHMENT 03/24/15 M

Walters moved and Hawke seconded a motion to pay the bills in the amount of \$566,841.45. **3-0 yes**

ATTACHMENT 03/24/15 N

Walters moved and Hawke seconded a motion to approve the minutes of the March 10, 2015 Board of Trustees' meeting. **3-0 yes**

ATTACHMENT 03/24/15 O

Walters moved and Pizzino seconded a motion to set a Public Hearing for Street Lighting District for Greenwich Place on April 14, 2015 at 6:00 p.m. **3-0 yes**

Routine Business

Announcements

- Next regular Board of Trustees' meeting, April 14, 2015, 4:00 p.m., Executive Session and/or Work Session; 5:00 p.m., General Session, Township Hall.
- LOGIC, April 2, 2015, 9:00 a.m., Jackson Safety Center, Chiefs' Conference Room.
- CIC, April 16, 2015, 8:00 a.m., Township Hall.
Work Session, March 30, 2015, 3:30 p.m., Township Hall.
- Board of Zoning Appeals, March 26, 2015, 5:30 p.m., Township Hall.

- Jackson Township Recycling Station Board, March 25, 2015, 11:00 a.m., Buehler’s Community Room.
- Citizens Advisory Committees:
 - Community Celebration, April 8, 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.
- Hooked on Fishing Day, Saturday, May 9, 2015, 8:00 – 11:00 a.m., Jackson North Park. Register by May 8; no cost.

Old Business – None

New Business

Walters moved and Hawke seconded a motion to authorize the consultant selection process to begin for an Engineer pursuant to Ohio Revised Code Chapter 153. **3-0 yes**

Zoning & Planning Department

ATTACHMENT 03/24/15 P

Walters moved and Hawke seconded a motion to hire Clifford R. Meidlein for the part-time position of Zoning Investigator, effective April 6, 2015 at a rate of \$14.00 per hour, not to exceed 28 hours per week. **3-0 yes**

ATTACHMENT 03/24/15 Q

Walters moved and Hawke seconded a motion to initiate an application for zoning text amendments as attached. **3-0 yes**

ATTACHMENT 03/24/15 R

Continued Public Hearing for Zoning Amendment #616-15. Jamie M. Wittensoldner, Esq., 6370 Mt. Pleasant St. N.W., North Canton, Ohio 44720 agent for Craig Snee, Co-Trustee, Nancy Snee, 5672 Shuffel St. N.W., North Canton, Ohio 44720, and Wesley & Marcia Snee, 5762 Shuffel St. N.W., North Canton, Ohio 44702 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 N.W., Sect. 2SW/2SE Jackson Township.

Poindexter told the Board the applicants have an amended application to provide for open space.

Walters called a short recess. Upon return from recess at 6:15 p.m., Walters opened the public hearing on zoning amendment #616-15. He asked if anyone wanted to speak in favor of the amendment to the original application.

There was a brief discussion between Trustee Pizzino and the Law Director that the hearing on the original zone change was closed and only evidence about the amendments would be heard.

Craig Snee, 5694 Shuffel St. N.W., presented the amended application to the Board and pointed out that the open space would be a minimum of 100 feet and goes out to as much as 300 feet in places. He pointed out that at the last meeting there was some discussion about the driveway not being included in the original application. He said that section near the driveway does not include any open space because they would not be able to drive through the open space. He said one of the things they will do is close that access if it is zoned industrial and once everything has been relocated, they will submit an application to close that 6500 foot section. He said once it is closed it will ban the use of any traffic through that strip. He pointed out that even if he didn't follow through on closing that entrance, the Township Trustees have the right and ability to have the entrance closed.

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

Walters asked if anyone wanted to speak against the modified amendment. Walters reminded everyone that comments should be confined to the open space.

Tim Bruss, 5901 Westridge Circle, asked a question about the modified amendment. He presented a power point presentation addressing his concerns.

Debbie Schory, 7905 Portview Ave., said she sympathizes with Mr. Snee over what he's been going through but she pointed out that if he wanted the neighbor's support he should have done something 10 or 12 years ago. She said there may be open space but they will still see it. She pointed out that if trees had been planted in the past the neighbors would have a different outlook.

Gordy Woolbert, on behalf of Dick and Marilyn Kempthorn who own one of the properties immediately adjacent to the rezoning request. He said Mr. and Mrs. Kempthorn are still in opposition even with the proposed increased open space. He said it still doesn't cure the issues of the inconsistency with the Comprehensive Plan.

The Law Director pointed out that Mr. Woolbert should make his comments to the President of the Board of Trustees and those comments should be in reference to the open space.

Jamie Wittensoldner objected to what Attorney Woolbert was saying. She pointed out that he is rehashing what he said at the last meeting. She said there is nothing different in what he is saying because it doesn't relate to the open space.

Gordy Woolbert said the open space appears to be designed to accomplish what would be better accomplished through transitional zoning. He said with usage differences that are as far apart as industrial and residential, a 100 foot buffer is not sufficient. He said this is a band aid and is not appropriate for this area.

Walters asked if anyone else wanted to speak against the modified application. No one came forward. He closed that portion of the hearing. He asked if the applicant wanted to add anything.

Jamie Wittensoldner, 4658 Mayfair Rd., North Canton, Ohio, said the driveway and open space was discussed with Joni and the Law Director. She said that since the driveway area will be left open a new amendment would have to be made to change it to open space and that Section 804.2 of the code 'says amendments to the zoning may be initiated by the motion of the Zoning Commission or by passage of a resolution by the Board of Trustees.' She said there would not be a non-conforming use because the area of the drive is left open.

Mr. Snee added a few comments about the open space and driveway.

Walters closed that portion of the hearing and called a short recess.

Walters called the meeting to back to order.

Pizzino: Well, I just want to thank everybody for coming and giving testimony in this matter. I think we all agree the property in question is not going to be used as a residential use. When Mr. Snee's family started many years ago, Jackson was a rural area. And the area's changed a lot. Who was here from last meeting and listened to Mr. Snee, his hour and forty five minute presentation, he made a number of valid points, I think. The most important one is the Shuffel road and changing his operation to come off of Shuffel instead of Strausser, I think, makes, that's the only way it should happen. You know, the airport has expanded a number of times since they've been there. The airport, as a matter of fact, sent a letter saying that they're in favor of this zoning change and of course the area's mostly industrial. With this zone change, if we give it to them, they could actually move their offices and showroom and driveway to Shuffel where it should be. That's one side of the coin, I guess the other side of the coin is and also he mentioned something about garages, that he could actually put some of his equipment away and it would be better for him then to work on it of course. And the neighbors wouldn't have to look at it. So, there are some advantages on this change of zoning. The other side, I almost forgot to make one (indecipherable) a good point and they started with the open space at 100 feet, I don't think a hundred feet is enough. (Indecipherable) in my opinion I think it should be a little bit more. I guess, Mr. Snee, I've always been open and honest with you, you know, I have a hard time rezoning through residence to industrial use. I don't know when you drew the map, how you drew it, why you drew it that way but for you to live in an industrial zone. You have two beautiful homes there off of Shuffel, I wouldn't be in favor of that. So to rezone all 96 acres to industrial, I would have a concern. He's telling our zoning administrator (indecipherable) he's come to a compromise and really what's the definition of compromise, when either party (indecipherable) and that's where it's heading to. But seeing that, we want to help Mr. Snee in his business grow and make it. I think he's trying to do the right thing in putting buildings up

and changing the showroom and moving everything where it should be. On the other side we have to somehow protect the neighbors and keep the (indecipherable) assured there. So that there I'm willing to listen to the other Board members, if you have any ideas on how we can do that. I know (indecipherable).

Hawke: Well, I think, I share a lot of the same thoughts as Mr. Pizzino on both sides of that coin. The biggest thing for me on that protection of the neighbors is all (indecipherable). And what we see when we look at this and I understand what currently spaces are being used as, we're going to put way back when the amendment was drawn but not protect all of the residents (indecipherable). Doesn't even protect your own, for instance, you know, I mean, if that's not (indecipherable) Mr. Pizzino's point, I don't have an issue rezoning your home sites, the current residential as industrial with homes on it. When we have that discussion I think that's something I have a big concern with. You know, if you stop at that line, there's some issues there as far as what's currently non-conforming and how that would stay or not stay where you could draw additional open space lines even to protect those properties for down the road. If you decide to sell those home sites, there's no open space protecting them as we would try to (indecipherable) and looking at their space and giving them the (indecipherable), that same buffer's not there. If you back to the east on that property, I know it's a mine area right now, but it's zoned R-R, if someone wanted to go, if I wanted to go buy that property and build a home there, there's no open space drawn on the amendment today to bother me like there would be to the residents that are on Portview. So when you start looking at it from that perspective the whole thing to me would have to fall into place and I'm not sure if I'm saying there's an obligation that needs to be made or a compromise point I don't know that it would make everybody happy enough to go with it at that point. But there's nothing we, some concern that I have. I definitely have a (indecipherable) the whole ninety plus acres. Breaking it into parts on the RPC recommendation, looking at portions does afford some changes but RPC's recommendation does not address the issue of the one other parcel that's currently R-R and has non-conforming going on on it. So that could continue even with the industrial classification. So there are some concerns I have in looking at the maps. I don't know what (indecipherable) answer is.

Walters: Well, don't worry about not answering (indecipherable). I share many of the same points that both Mr. Pizzino and Mr. Hawke made. I'm very reluctant to really consider rezoning the parcels that contain the residences. I don't see a good argument for doing that. I share the concern on the eastern portion of the property that's also zoned rural residential, you know, it does have some residential on that side. At the same time, I mean, a lot of, you know, a lot of the things Mr. Snee suggests he's going to do, if he is successful makes sense. I mean, I think we would all agree moving traffic off of Strausser and onto Shuffle is a good idea. I mean that being said, I mean, these are always the toughest decisions. So . . .

Hawke: If I could made a couple other quick points. One of the big issues, obviously, we mentioned this earlier with the text amendments we were looking at on some of the residential side is the fact that once it's changed, it's changed to whatever can be used under that category of I-1 at this point. Currently, as non-conforming, if I'm not mistaken, Ms. Poindexter, is that it has to follow the use that's being used as non-conforming today. So you couldn't change uses to a different industrial piece on that where under I-1, it can be anything that fits I-1, it can be anything that goes in there. I know we can't hold anybody to it but one of the other things we

have not seen anything of and maybe this goes to the point earlier of a resident so showing that his we haven't seen anything that shows me what the site plan may look like when we're done. Again, I know I can't hold you to it but if we haven't seen anything that says 'here, for you, as residents to say here's what this is going to look like to that point.' I haven't seen anything to that, all I know is you've talked about moving the entrance and putting some buildings and things along those lines. There's also, obviously, the other one that falls in that one which is still the one residential home that's still in the middle of the main parcel and if that's in industrial and if it's changed to industrial there's still a residence in the middle of that main parcel from that side so it's still a non-conforming situation if you will. It's definitely a tough property, Mr. Pizzino hit the nail on the head. With just the changing of the times from the way Jackson was in the past to where it is. Obviously, this year is 200 years so there's been a lot of time for the land to change uses. But those are my other concerns with that side of it.

Walters: Mr. Vaccaro indicated that, you know, we have, since the hearing was closed today, twenty days from this point so we can don't have to decide tonight or I'm willing to entertain a motion if either of my colleagues would like to (indecipherable). But if anyone wants to make a motion, I'm certainly open to that as well.

Poindexter: I was just explaining to Mr. Pizzino that under the non-conforming use the property owner always can go to the Board of Zoning Appeals to ask to add an addition to the building over the 25% that he's permitted to expand. He can always do that under the non-conforming use.

Hawke: So if I could throw out a hypothetical to my point of the site plan. As it stands today they could apply to the BZA with a site plan to put in three or four buildings if they wanted to.

Poindexter: Right.

Hawke: To show that I'm going to move the entrance to Shuffel as it stands today as long as the BZA would approve that they could do it.

Poindexter: Yes. It would be, what it is, is like if you wanted to add onto this building and add more buildings, you would request a variance for some many square foot over the permitted 25%.

Pizzino: And that would be a new building?

Poindexter: Yes.

Hawke: And a new driveway location.

Poindexter: It could be a new building, it could be an addition to an existing building. We've seen that before in fact (indecipherable) where people have expanded (indecipherable) 25% for their building.

Hawke: I think that was one of the points that was made in the original argument was that that's an issue is they can't go over the 25% of the (inaudible) or something along those lines if they wanted to add, but they can, they just have to go through the Board of Zoning Appeals for a variance process.

Poindexter: Right.

Walters: Alright. Are there any other comments? It doesn't sound like we're ready to make a motion. No one's jumping up to make one.

Pizzino: I guess if we have to, how can we help a Township business that's been there a long time (inaudible) neighbors and we keep going back to that. We did ask our Law Director a number of times when we were in recess about more open space, with an opening space (inaudible). I think he even answered about 80% of the questions with about 20% of the answers. I don't know if it will make a difference or not but if you would research that and get back with us? I mean, I don't know, it might not. It might not change anything but it could change some but I want both sides represented (inaudible).

Walters: John, we do have the time so perhaps it's wise to go ahead and use that time for Mr. Vaccaro to research a couple of the questions and make a decision then.

Mr. Vaccaro: Will do.

Pizzino: We have to do it within twenty days.

Vaccaro: Absolutely.

Walters: Yes.

Hawke: Next meeting we'll do it.

Lyon and Vaccaro: No.

Lyon: Our next meeting's twenty-one days – three weeks.

Walters: Okay, so we'll have to have a meeting before then.

Lyon: Special.

Walters: Okay.

Pizzino: (Inaudible).

Walters: That's okay with me if it's alright with Mr. Hawke.

Hawke: It's fine with me. Do we need to set a date tonight?

Walters moved and Hawke seconded a motion to close the hearing.

3-0 yes

Public Speaks –Open Forum

A lady said she requested a deer crossing sign. Walters said they would check with Ralph and see where things stand.

Walters moved and Pizzino seconded a motion to go into Executive Session to consider confidential information related to economic development assistance as described in Ohio Revised Code 121.22(G)(8)(1) and (2).

3-0 yes

Walters moved and Hawke seconded a motion to adjourn.

3-0 yes

James Walters

Randy Gonzalez