RECORD OF PROCEEDINGS

MINUTES OF JACKSON TOWNSHIP BOARD OF TRUSTEES MEETING

MAY 14, 2007

Meeks called the meeting to order at 5:00 p.m. at the Jackson Township Hall with all Trustees, Fiscal Officer, Lyon and Fitzgerald present.

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

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

Meeks moved and Burger seconded a motion to go into Executive Session to consider the purchase or sale of public property. **3-0 yes**

At 6:24 p.m., Meeks called the General Session to order with all department heads present except Chief Neftzer who was represented by Major Zink. Meeks requested that all cell phones and pagers be turned off at this time.

The Pledge of Allegiance was recited.

Public Speaks – None

Police Department

RESOLUTION 07-036, ATTACHED
Meeks moved and Pizzino seconded a motion pursuant to the procedure set forth in attached Article 36 of the Negotiated Agreement, we hereby appoint Patrol Officer James J. Monigold to the position of Full Time Sergeant in the Jackson Township Police District Department, effective May 15, 2007, with a probationary period of six months. **3-0 yes**

RESOLUTION 07-037, ATTACHED
Meeks moved and Burger seconded a motion pursuant to ORC Section 505.49 and 509.01, Tonya M. Marketich is hereby appointed to the position of Part Time Patrol Officer and Township Constable for the Jackson Township Police District, Stark County, Ohio, effective May 15, 2007, at 0002, at the established compensation rate and we hereby accept the attached Oath of Office. **3-0 yes**

RESOLUTION 07-038, ATTACHED
Meeks moved and Burger seconded a motion pursuant to ORC Section 505.49 and 509.01, David F. Macaluso is hereby appointed to the position of Part Time Patrol Officer and Township

Constable for the Jackson Township Police District, Stark County, Ohio, effective May 15, 2007, at 0001, at the established compensation rate and we hereby accept the attached Oath of Office. **3-0 yes**

After a short break for pictures, Meeks called the meeting back to order.

ATTACHMENT 05/14/07 A
Pizzino moved and Meeks seconded a motion to accept the resignation of part-time officer Andrew Pratt, effective May 10, 2007. **3-0 yes**

Meeks moved and Pizzino seconded a motion to accept a $200.00 donation to Hooked on Fishing from Giant Eagle. **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 05/14/07 B
Meeks moved and Burger seconded a motion to approve Budget Module No. 07-10 for Legal Services – Police Department in the amount of $33,299.00. **3-0 yes**

ATTACHMENT 05/14/07 C
Meeks moved and Burger seconded a motion to approve the appropriation transfer request from account code 209.250.5387, Discretionary, to account code 209.250.5432, Computer Related, in the amount of $5,000.00, and from account code 209.250.5387, Discretionary, to account code 209.250.5363, Hooked on Fishing, in the amount of $700.00. **3-0 yes**

ATTACHMENT 05/14/07 D
Meeks moved and Burger seconded a motion to approve the appropriation transfer request from account code 209.250.5387, Discretionary, to account code 209.275.5112, Legal Services part time salaries, in the amount of $26,712.00, from account code 209.250.5387, Discretionary, to account code 209.275.5212, Legal Services pension employer's bill, in the amount of $3,700.00, from account code 209.250.5387, Discretionary, to account code 209.275.5214, Legal Services employers' medicare, in the amount of $387.00, and from account code 209.250.5387, Discretionary, to account code 209.275.5502, Legal Services materials, in the amount of $2,500.00. **3-0 yes**

Administration Department

ATTACHMENT 05/14/07 E
Meeks moved and Pizzino seconded a motion to accept the resignation of receptionist/secretary Michelle Dennis, effective May 23, 2007, and to authorize advertising the position. **3-0 yes**

ATTACHMENT 05/14/07 F
Meeks moved and Pizzino seconded a motion to approve the attached Health Benefit Plan Amendment No. 2, in accordance with the recommendation of the Health Insurance Committee, effective May 15, 2007. **3-0 yes**

ATTACHMENT 05/14/07 G
Meeks moved and Burger seconded a motion to approve the appropriation transfer request from account code 101.110.5387, General Fund Discretionary, to account code 101.115.5356, Equipment Repairs, in the amount of $1,410.00. **3-0 yes**

Central Maintenance

ATTACHMENT 05/14/07 H
Meeks moved and Burger seconded a motion to approve Budget Module No. 07-5 for a Corghi Pneumatic Tire Changing Machine in the amount of $6,679.82. **3-0 yes**

ATTACHMENT 05/14/07 I
Meeks moved and Burger seconded a motion to approve the appropriation transfer request from account code 101.110.5387, Discretionary, to account code 101.115.5652, Capital Equipment, in the amount of $5,343.86. **3-0 yes**

Fire Department

RESOLUTION 07-039, ATTACHED
Meeks moved and Pizzino seconded a motion pursuant to the Fulltime Firefighter hiring policy, the Township's Personnel Hiring Policy and pursuant to ORC Section 505.38, we appoint the attached listed persons to the position of Fulltime Firefighter/Paramedic, conditioned on their successful completion of a medical evaluation as to the condition of the individual as it relates to the performance of the duties of a Fulltime Firefighter/Paramedic, background check, negative drug screen and other testing requirements. **3-0 yes**

The full time firefighter/paramedics are Jeffrey McDonough, Jason Robinson, Luke Ediger, and Anthony Hercules.

ATTACHMENT 05/14/07 J
Meeks moved and Burger seconded a motion to approve Budget Module No. 45 for Hydraulic Cots, in the amount of $20,000.00. **3-0 yes**

Highway Department

RESOLUTION 07-040, ATTACHED
Meeks moved and Pizzino seconded a motion to authorize the attached Advertisements for Bids for 2007 Resurfacing and Paint Striping Project in accordance with the Specifications on file.
3-0 yes

Discussion followed regarding the "if authorized" temporary traffic signal at Fulton and Wales. Meeks said he noticed a temporary light at another location that was on a movable trailer and asked if something like that could be used in this case.

Boger explained this was requested by ODOT but he would check with them to see if it is possible to use that type of light in this case.

ATTACHMENT 05/14/07 K
Meeks moved and Burger seconded a motion to approve Budget Module No. 22-07-C for Fulton/Wales Intersection Improvement in the amount of $4,650.00. **3-0 yes**

ATTACHMENT 05/14/07 L
Meeks moved and Burger seconded a motion to approve the appropriation transfer request from account code 324.310.5387, Discretionary, to account code 324.313.5710, Fulton/Wales Design, in the amount of $4,650.00. **3-0 yes**

RESOLUTION 07-041, ATTACHED
Meeks moved and Burger seconded a motion to adopt and authorize the placement of our signatures upon the attached Lake O'Springs Avenue Drainage Outlet Agreement with the Board of Stark County Commissioners. **3-0 yes**

ATTACHMENT 05/14/07 M
Meeks moved and Burger seconded a motion to approve the appropriation transfer request from account code 204.310.5387, Discretionary, to account code 204.310.5522, Building Maintenance, in the amount of $2,500.00. **3-0 yes**

ATTACHMENT 05/14/07 N
Meeks moved and Burger seconded a motion to approve the attached authorization to use Township property for the Portage/Lutz Intersection Project. **3-0 yes**

Legal Department

RESOLUTION 07-042, ATTACHED
Meeks moved and Pizzino seconded a motion to adopt the attached amended Jackson Township Disaster Plan which replaces all previously adopted Disaster Plans. **3-0 yes**

ATTACHMENT 05/14/07 O
Meeks moved and Pizzino seconded a motion to adopt and authorize the placement of the Board President's signature upon the attached entertainment and advertising Community Celebration Contracts. **3-0 yes**

ATTACHMENT 05/14/07 P
Meeks moved and Burger seconded a motion to adopt and authorize the placement of the Board President's signature upon the attached fireworks display contract. **3-0 yes**

ATTACHMENT 05/14/07 Q
Meeks moved and Burger seconded a motion to adopt and authorize the placement of our signatures upon the attached Agreement with the Rotary, Lions, and Kiwanis Clubs. **3-0 yes**

Park Department

Ruwadi explained that a pay rate schedule for seasonal employees was developed because of the new minimum wage now in effect.

ATTACHMENT 05/14/07 R
Meeks moved and Pizzino seconded a motion to approve the hourly pay rate schedule for seasonal, temporary, park maintenance workers and programming assistants, effective May 15, 2007, in accordance with the attached memo from the Park Director. **3-0 yes**

ATTACHMENT 05/14/07 S
Meeks moved and Burger seconded a motion to approve the rate of $7.85 per hour for Matthew Marlett (third year), and the rate of $7.35 per hour for Christopher Diroll (second year), through the temporary service, effective May 15, 2007, per the recommendation of the Park Director.
3-0 yes

ATTACHMENT 05/14/07 T
Meeks moved and Pizzino seconded a motion to authorize the hiring of Paul McFeely as a seasonal park maintenance worker, through the temporary service, subject to a negative drug screen, at the rate of $6.85 per hour, effective May 16, 2007, per the recommendation of the Park Operations Director. **3-0 yes**

Meeks moved and Burger seconded a motion to authorize the hiring of Dave Christine as a seasonal park maintenance worker, through the temporary service, subject to a negative drug screen, at the rate of $6.85 per hour, effective May 16, 2007, per the recommendation of the Park Operations Director. **3-0 yes**

Meeks moved and Burger seconded a motion to authorize the hiring of Joel D. Moody as a seasonal park maintenance worker, through the temporary service, subject to a negative drug screen, at the rate of $6.85 per hour, effective May 16, 2007, per the recommendation of the Park Operations Director. **3-0 yes**

ATTACHMENT 05/14/07 U
Meeks moved and Pizzino seconded a motion to hire Joshua Kumpf as a seasonal park programming assistant (third year), through the temporary service, subject to a negative drug screen, at the rate of $7.85 per hour, effective June 4, 2007, per the recommendation of the Park Program Coordinator. **3-0 yes**

Meeks moved and Burger seconded a motion to hire Jennifer Wickerham as a seasonal park programming assistant, through the temporary service, subject to a negative drug screen, at the rate of $6.85 per hour, effective June 4, 2007, per the recommendation of the Park Program Coordinator. **3-0 yes**

ATTACHMENT 05/14/07 V
Meeks moved and Burger seconded a motion to approve the appropriation transfer request from account code 214.510.5387, Discretionary, to account code 214.515.5902, Refunds, in the amount of $1,155.00. **3-0 yes**

Fiscal Office

ATTACHMENT 05/14/07 W
Meeks moved and Pizzino seconded a motion to pay the bills in the amount of $1,835,769.44.
3-0 yes

ATTACHMENT 05/14/07 X
Meeks moved and Pizzino seconded a motion to approve the minutes of the April 23, 2007 Board of Trustees meeting. **3-0 yes**

ATTACHMENT 05/14/07 Y
Meeks moved and Burger seconded a motion to approve the April 2007 financial reports. **3-0 yes**

Gonzalez explained this is the resolution transferring money from the general fund to the retirement fund for non-levy departments.

He also explained the levy departments are Fire, Police, and Highway. This money will be set up in a savings account and not used until it is needed.

RESOLUTION 07-043, ATTACHED
Meeks moved and Pizzino seconded a motion pursuant to attached ORC Section 5705.13B, we hereby:

1. Establish a General Fund Special Revenue Fund for the purpose of accumulating resources for the payment of accumulated sick leave and vacation leave, and for payments in lieu of taking compensatory time off, upon the termination of employment or the retirement of officers and employees of the subdivision.

2. Authorize the transfer of $100,000 in 2007, $25,000 in 2008, $25,000 in 2009, $25,000 in 2010 and $25,000 in 2011 from Account 101.150.5942 to be deposited in a special fund named the General Fund Special Revenue Fund #292, and can be supplemented if subsequently determined by the Board of Trustees and shall be established and maintained by the Fiscal Officer.

3. Authorize the creation of the following new codes in the accounting system: Fund #292 – General Fund Special Revenue Fund, #292.4990 transfers in from General Fund, expense code #292.150.5140 General Fund Special Revenue Fund, Fiscal cost center, severance object code. **3-0 yes**

ATTACHMENT 05/14/07 Z
Pizzino moved and Meeks seconded a motion to approve the appropriation transfer request from account code 101.110.5387, Discretionary, to account code 101.150.5982, Transfer #292 – Gen Retirement, in the amount of $100,000.00. **3-0 yes**

ATTACHMENT 05/14/07 AA
Pizzino moved and Meeks seconded a motion to approve the fund transfer in accordance with the reserve account resolution at this meeting from Fund 101, General Fund, to Fund 292, General Retirement Fund, in the amount of $100,000.00. **3-0 yes**

ATTACHMENT 05/14/07 BB
Pizzino moved and Meeks seconded a motion to approve the fund transfer from Fund 101, General Fund, to Fund 214, Park Fund, in the amount of $214,504.48. **3-0 yes**

Routine Business

Announcements

- Next regular Board of Trustees meeting, May 29, 2007, 4:00 p.m. Executive Session and/or Work Session, 6:00 p.m., General Session, Township Hall.
- CIC, May 21, 2007, 5:00 p.m., Township Hall.
- LOGIC, June 7, 2007, 9:00 a.m., Safety Center, Chiefs' Conference Room.
- Zoning Commission, May 17, 2007, 5:00 p.m., Township Hal.
- Board of Zoning Appeals, May 24, 2007, 7:00 p.m., Township Hall.
- Citizens Advisory Committees:
    - Highway/Traffic, May 15, 2007, 6:30 p.m., Township Hall.
    - Community Celebration, including Board of Trustees, May 21, 2007, 6:00 p.m., Township Hall.
    - Park, June 12, 2007, 6:30 p.m., Township Hall.

Old Business – None

New Business

Meeks moved and Pizzino seconded a motion to accept a $5,000.00 donation to the Community Celebration from Willmoll Development II, Ltd. **3-0 yes**

Meeks moved and Burger seconded a motion to accept a $1,000.00 donation to the Community Celebration from Buehler's. **3-0 yes**

Meeks moved and Pizzino seconded a motion to accept a $1,000.00 donation to the Community Celebration from Sky Bank. **3-0 yes**

Meeks moved and Burger seconded a motion to accept a $500.00 donation to the Community Celebration from Gaslite Villa Convalescent Center Inc. **3-0 yes**

Meeks moved and Pizzino seconded a motion to accept a $500.00 donation to the Community Celebration from Suarez Corporation Industries. **3-0 yes**

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

Public Speaks – Open Forum

No one came forward.

At 6:30 p.m., Meeks opened the public hearing on Zoning Amendment 560-07 (Northeast corner Portage & Lutz).

Poindexter explained that this is a proposal to rezone property owned by Herbert Schalmo, of 8676 Portage N. W., Massillon and Donald Schalmo, of 6717 Millfield, Canal Fulton. The applicant is David Hart, of Quest Development of 470 White Pond Dr, Akron, Ohio 44320. The request is to rezone 28.431 acres, more or less, from R-R Rural Residential to R-3 Residential Planned Unit Development. The property is located at the northeast corner of Portage and Lutz, Section 8, Jackson Township. Stark County Regional Planning Commission recommended a denial on May 8, 2007 to the rezoning. She reported the Zoning Commission heard this proposal on April 19 when they recommended approval to the Trustees.

Dave Hart, I'm the developer for Quest Development, 470 White Pond, Akron, Ohio. First of all, I'd like to thank everyone involved with this project. It's taken a considerable amount of time. Mr. Meeks, I have a bigger layout if that would help.

Meeks: Absolutely. Go ahead and put it down.

Hart: There have been so many small issues that have come up with this project. I prepared just a real brief outline, just to kind of go over time lines and everything that's happened. First, how I became part of this project. As you may be aware of, this project, this parcel has had two or three types of zoning or uses that were going to happen on it. I was made aware of the last attempt of 109 condominium units was going to be proposed and it didn't make it. I don't think it made it through the Planning Commission and it didn't make it through the county, matter of fact it may have been withdrawn. My recent history, I've had two resident's meetings, one on 2/14/07 and 4/11/07. On the 14th we had 12 residents come out and on the 11th we had 4. There weren't too many issues on the first meeting, the second meeting I had two residents show up and they were both on Lutz and I want to make sure I get their names right, I may not have it. I know one is Miss Smith, the other gentleman is here tonight and the concern was we have a road out to Lutz. I think one of the zoning members indicated the traffic and the travel on Lutz is very dangerous and why would we put a road out there. Unfortunately our hands were tied by the RPC and the allotment engineer that we have two ingresses and two egresses. I did talk to after this meeting with the residents, I did get hold of Joni and we had a meeting with Chief Heck and

a road representative, who's not here tonight from Jackson Township. We did meet and per the Chief we are allowed to eliminate the road and go to a 20 foot wide almost an emergency ingress and egress which we were all for. Unfortunately, I called Reva at the County and she wouldn't hear of it. The plan was the plan and the plan has to stand. There was ingress and egress issues and block like issues also. So we kind of feel like we're caught between a rock and a hard place. We want to please the residents, the last thing we want to do is propose a project that would be I guess tumultuous within the community. We've tried to overcome those and what I've proposed and I did talk to Reva about this I'd like to change my entranceway to a boulevard off of Portage and make that our major ingress and egress. When talking to Reva a change like that would not have to go back to the Zoning Commission, through the County and we have no construction plans yet so we wouldn't have to change anything. I'm hoping that the township would have the same attitude if they would like to see that. With a boulevard I think, it just lends credence that that would be the major in and out. And at the Planning Commission meeting I told the story which is true about my son, we live on a very busy road and we have two ways in and out. When he was learning to drive you don't go take a right out of our driveway, you take a left because it's dangerous and I think our residents would also realize if there is a danger on Lutz that I think common sense is they wouldn't use that. I think it's just mandatory that it has to be there. We spoke with the Fire Chief and we would be better off to have it if Portage was closed for some reason so we could get our safety forces in and out in an egress fashion out of our subdivision.

I did research on the traffic light that's going to be put in. There was a traffic study. I have all the traffic counts if anyone needs to hear them. Without question Lutz is much far underserved compared to Portage but what's interesting is Portage is built for 50 miles an hour and Lutz is built for 55 miles an hour. And that's per the County Engineer, so there is some traffic concern there also. We looked at the traffic counts, it's about 4 to 1, 4 times as many cars out on Portage than there is on Lutz. So I'm hoping that all these factors do weigh into your decision tonight. We're kind of forced to put the entrance right here. This is Lutz, right here, and this is Portage. So we have this ingress/egress. This is the one we'd like to change to a boulevard. Initially I withdrew my application to RPC my engineer didn't have the proper scale. He didn't have the proper layouts, didn't have some of the proper engineering issues that you needed to have to show on a plan which we were approved for the subdivision. Everything that is on this plan right now is approval from Stark County. The road layout, the configurations, the right angles of the intersections, the connectivity of the adjacent parcels. The cul-de-sac was the only variance we needed. We'd like to build an offset cul-de-sac off center and it just allows for a little bit more room on the eastern edge. I did resubmit the layout and I did receive conditional approval 3/6/07 from the Stark County Planning Commission on the layout itself. Jackson Township Board of Appeals I did meet on 4/19 and we were approved 4 to 1. The dissenting vote, which is interesting, was about a traffic issue on Lutz. He just didn't want to see any further traffic going out to Lutz and I can appreciate that view. So here's where we're at right now. I'm asking for the request from an R-R to an R-3. I did have the opportunity to meet with Joni, Ms. Lyon, and the Law Director, Mr. Fitzgerald. Had an issue, we really researched the Township's Comprehensive Plan and we looked in depth at this parcel. And if you go through, and I do have the Comprehensive Plan, and I'm going to try to wrap this up in 5 minutes. When you go through the Comprehensive Plan, it's actually calls out this piece of property and it's called out in a special zone and the zone is they would like to see Jackson keep it open. They would not

like to see development on that. But then there's a comma and it says 'however, if development is eminent'. And it goes in and actually shows a piece similar to this cut up into 20 lots and you use every single square inch of the project for homes. And then it shows the same 20 lots cut up in a much smaller fashion and open space ringed out throughout the parcel. That's where we've gotten this plan. I wanted to move forward with an R-R open space subdivision, which is not in your code but it's recommended in the Comprehensive Code. In dealing with the Law Director and Ms. Lyon and Joni, we decided to move forward with the R-3. I think administratively it made more sense and for all the political processes, it made more sense at the time. So that's kind of where we're at.

Just to give you a couple bullet points about the project. It's called Crown Pointe. I had a suggestion to change the name because people thought it was too close to Emerald Estates. Crown Pointe has nothing to do with Emerald Estates. It was a personal decision, it means something to me and my partner, it means nothing about Emerald Estates. The community is an active adult community, first floor masters, 51 fee simple lots, the streets and right of way are public. Fee simple lots means it's opposite condominiums. If you own your own property, and you have 4 property corners or more, that's what this is, you own your own property. The project contains no wetlands, it does contain 2 gas lines, crop fields and not too many trees. The only border of trees we have are right here. Right on the back. Why we want to be here in a down market, we all know the residential market is extremely low right now. A lot of houses for sale in Jackson, like every community. We want to bring this to Jackson because of its location and the demographics. We really like this location, we think it's a awesome corner. The demographic portion is the largest growing segment of the population in Jackson is active adults. That's right out of your Comprehensive Plan, if you look at it. We'd like to serve them. We don't see any other builder or any other developer wanting to step up and serve them in the proper fashion, giving them a beautiful community. A community park which would be maintained by our homeowners association. A ring of trail that goes around the entire parcel and has 4 different ways to access it. All of our open space, our ponds and also the trail, is all ringed with its own right of way frontage so everyone within our subdivision has access into it. Our residents typically own their own homes now and so that's why we're able to sell these units. Their biggest concern is time on the market for their existing unit, not how much will I get, it's how long will my existing house set before I can buy into your community. We have this same type of community in Tallmadge, Ohio, however it is an attached community and we're transacting at one unit per month through all 12 months or all 4 quarters. So we've actually seen an increase in our traffic since the downplay in the residential single family market. We offer an expandable first floor plan that is a ranch that can be expanded to a cape with different trusses and you can go to a second floor if you'd like. The units start at about 1,550 sq. ft., they can go all the way up to 2,000 sq. ft. That is totally without the basement, we put a poured full basement under every single unit. We engineer the units to have larger than normal windows in the basement, so it's a usable space. We find that our residents in entertaining their grandkids or friends that the downstairs is a very good entertainment center. A lot of our customers are upgrading into theatre rooms in the basement because of the acoustics and the sound. My price point for the very bottom unit would be $210,000, we would go all the way up into the mid 2's. Our $200,000 just doesn't come with vinyl floors, its tile floors, Accoriane or similar counter top, full wood counters, so a lot of bang for the buck for the $200,000 price range. We build them ourselves, we run the associations ourselves. We try to do as much as we can in house.

I'm an engineer. I'll engineer the issues if there are any grade issues. We do use consultants to dig our basements and we actually have a crew of our own trim staff that will trim the units out so we can keep quality control in house.

Couple things about the project, it has 7.73 acres of open space within that open space there's a beautiful landscaped park, walking trails, a mail center, the US Postal Service has identified they will not make door to door mail stops on this, so they've asked us to engineer a mail center which is located right here. We have a parking facility already for that and also a parking facility for our residents to come down to the park. It also would be an overnight guest by pass only parking facility. We typically don't allow parking in the driveways and there are several reasons for that. Number one it controls how many people are within the units. We're not building these for 5 or 6 people. We're building these for empty nesters. Occasionally they'll have a guest so they'll park in the open space or in the open space area. Within the open space, there are two landscaped ponds that will be stocked with fish and fountains. We do wish to increase the size of the pond at the intersection to incorporate maybe a little bit more on the street frontage to get a bit more cosmetic and esthetic appeal with our fountains. The entire community is ringed by a walking trail. It will be a hard surface with multiple connections and the units are totally maintenance free. Our crews, we do have some lights within the units in the kitchen that are very similar to these that are higher up, our maintenance staff is on a perpetual replacement for free. We don't buy the bulbs but our crews go in if it's too difficult to go up, so we try to think of everything. Our units are ADA compatible, all the doors are 3 foot and so, God forbid, but if someone does buy this unit and they're stricken with an illness or with a disease that they have to go into a wheelchair, they don't have to move. Our crews can come in and actually lower the countertops down. It does take a change of the countertop height and we can lower it down. We go ahead and we put in studs in every bathroom for the grab bars and then we also double stud the doors, if they choose not the 3 foot option. Three foot is standard, but sometimes it's too big of a door and they want the typical 2 foot 8 door and so we'll stud out for the 3 foot so if they ever need to use a 3 foot door to get in and out, the studs are already in place. We use very low, very easy, very low shag carpets similar to this and also all tile surfaces so just in case a wheelchair had to be there, they can get in. We've also worked with our foundation people and we've kind of devised, we didn't invent it, but we devised a way that we can actually get a zero lip on our front door so there are no ramps and also zero lip through our garage which is very important, if you're in a wheelchair. You don't have the stigma of a 25 or 30 foot ramp to get into this. It's things we think about, it's not much, we don't do much with that, pretty much our people are very active, here 6 months of the year, in Florida or another sunny place 6 months. The beauty is we offer mowing, plowing packages. We try to customize to everyone's need but they don't have to. Typically our maintenance fee for a mow and a plow is about $100 a month so if you want everything taken care of year around, including gutters, including washing windows, it's about $100 a month. You don't have to do it, though, we don't force them into it. It's just a service we provide.

With that, that's pretty much it. I tried to give you the real quick, and I apologize, it's taken a little longer than I wanted, but we're very tied to this project. It seems like we've come a long way. I do want to point out and I'm not going to go into it but there are several, several glaring errors in this recommendation that Joni read that was from the RPC. First of all we did meet with Ms. Lyon and Mr. Fitzgerald, this is not spot zoning in his opinion, and it's a defendable

position and is not spot zoning. Second issue, they came up with some type of density issue that we are 2.2 units per acre when you add our open space and when you look in the code, we're allowed that, add our open space in as the overall density, I think it's a common sense if you can only add open space, why would you do it, there's no reason to. So we like to say mathematically, we're the same as an R-R we just have a smaller lot size and that goes to the life style of our residents. Most of these people probably have the 3 to 5 acre lots in Jackson, they're ready to downsize but they don't want to lose the value of their home. They want a beautifully landscaped home, they want a beautiful home. They just don't need the 3 to 5 acres, their kids have gone and they want a place to be proud of and come in and we see Jackson underserved with this type of community. That's all I have.

Meeks: Mr. Hart, a couple things. First of all, we'll get the easy ones out of it. You said your association would maintain your open space and everything. What happens if the association is defunct?

Hart: Well, by law the association can't be defunct. I haven't heard of too many associations that have gone defunct. We set them up for success, not for failure. Our associations are set up as progressive dinners and holiday parties and golf outings. It's not the daily business, we actually have a company that runs the daily business. You have to look at this as a very, very individualistic necessity to have. Each one of these units, each one of the homeowners is going to invest in their units $200,000 to $250,000. The reason why they do that is because we can protect their values within the homeowners association. I know I had a question of we typically don't allow RV's to be parked in driveways or cars overnight. We don't allow fences to go in and everyone knows this going in. Hopefully, you'll never get a call from one of our residents saying well they won't allow. It's for a reason and we protect value. You won't see sheds in these units. That's not our customer base. We're not selling to a young family like in Emerald that needs a shed because they need to cut their grass and they need this and they need that. Internal to the unit we build a lot of storage in the garage right above the car area and also we have bonus trusses in the garage to store. So we try to get a lot of those issues out of the way.

Meeks: The reason why I ask that is because what we're starting to see in the Township is many allotments who had all well and good intentions and their associations, all gung ho to maintain these areas which we want to see be beautified, aren't. So we are faced with that burden and . . .

Hart: You don't want it. I don't blame you.

Meeks: If we want it, we would have bought the whole thing.

Hart: Without question.

Meeks: Or Mr. Schalmo would have donated it to the Township if he wanted the Township to have it.

Hart: Without question.

Meeks: Which I wish he would have.

Hart: We use a lot of no mow grasses. We use a lot of field mix flowers and so when we say maintenance, we actually are very concerned about that. So we really limit the cut areas to the trails and to the mounds. They're going to look beautiful from the outside and when the grass grows high with flowers in it that's what it's supposed to be. It will have a sign on it that says 'Natural Area'. We just don't let it go. Education of our consumers is one of the hardest things we do. That's why we have our own on site, owned by us, our own sales people.

Meeks: I understand. You're natural area may be our noxious weed ordinance. So we have to be on the same page.

Hart: Exactly. Right.

Meeks: Going back to your R-R versus your R-3. Obviously, you switched just because of your lot size. Is that correct?

Hart: We never switched. This was what we always contemplated.

Meeks: You had made mention that you originally thought going into this development as an R-R.

Hart: R-R Green Space, which is in, here's the dilemma that we face. The R-R Green Space is within your Comprehensive Plan, it is not within the Zoning Regulations. So what we were faced with is if we wanted to try to move forward with an R-R Green Space which if you look at it, it's very loose, but it basically says that if you have 20 lots and you cut up everything, you can still take those 20 lots, and it's actually there's a very good example in the Comprehensive Plan. It shows a map that you can still have the 20 percent but you need to have it ringed by open space. Working with the Law Director and the Township Administrator and Joni it seemed that it would need a text amendment, it would be a whole lot of political process to try to get to the same point that we're at with the R-3. So I made the decision at that point with my counsel and we did consult the two land planners, D. B. Hart and George Schmerian, about both of the plans and they felt, 'yeah, you can probably accomplish the same thing with the R-3 and you won't be forcing Jackson to make a decision on a zone change text amendment which could open up' you know. I've been told just because we want to do a great project doesn't mean the next guy does. So we didn't want to open up the R-R at this point until someone took time to go through the Comprehensive Plan and say if you're going to do this you have to have this, this, and this. Under the R-3, there are specific guidelines that we followed and we met.

Meeks: The other thing is you said you had two meetings, one in February and one just about a month ago.

Hart: Yes.

Meeks: You had 12 residents show up for the first and 4 the second.

Hart: Yes. And we had the second because the first one was Valentines Day night if you remember, there was a tremendous snowstorm. So I felt it wasn't a proper thing but we still had 12 people show up.

Meeks: Now in any of those who showed up did any of them talk to you about, and you'd made mention to protect your value, your investment, we have received more phone calls than what you're saying here on both nights. Okay? And the number one concern is that the existing residences, whether it's the older home or the new allotment off Lutz, are really worried about their property values decreasing if the proper buildings, structures aren't built here.

Hart: Yes. We have heard one complaint about that but it was in reverse. A gentleman that, matter of fact, he spoke at the zoning commission meeting, he lived across the street somewhere in this neighborhood. He was absolutely opposite, he complained that the value of our structures may drive his property tax higher. I've never received one complaint about the value of our homes driving down any existing values. Because if you take a look at what is surrounding us, I believe our houses will be more valuable than what's existing there. And we're going to transact similar, if not the same, as the subdivision that's up just to our northwest. So, smaller lot, more bang for the buck in the units.

Pizzino: You keep saying we. Could you tell us who your partner is?

Hart: I'm sorry. We, it's my company and Jerry Mosley's. It's Mosley Building Corp. plus Development.

Pizzino: Okay.

Hart: We're partners, we're lifelong friends and he does all my building and I do most of his developing.

Pizzino: Okay. Do you have another community like this in Tallmadge?

Hart: Yes, sir. And we made everyone aware of it. And we invited several of the residents that were concerned to come out and view it. I don't know if anyone did. I did send everyone at the meetings photos of everything we did.

Pizzino: Do you have photos for us?

Hart: I did not bring any photos with me tonight. I didn't know product was an issue tonight, but I can certainly. . .

Pizzino: Well, we're talking about land values and I got the same calls that Mr. Meeks did. I think it's important to look over the total picture before we make a decision. I guess my next question is if we don't allow this or for some reason it's voted down, why wouldn't you just put it with a two home difference? I mean just let the original zoning.

Hart: The R-R? We don't want to be in the business of putting large lots in Jackson and have them not sell. Right now it's a down economy and a down market. We're not really seeing that we want to build families on this intersection. I don't want another Emerald in Jackson, no disrespect to anyone that's from Emerald, but I find that subdivision not be of our standards and we wouldn't build it. We're specific on who we want to target, we want an age target, not restrict, but age target the empty nester which is 40 and above. They don't need the big acre lots, they won't come to the big acre lots because they have that now. You have plenty of those large lots just even down the road. And you may have a golf course with then in the next 10 years, if the golf course sells. That's not what this is about. This is really about hitting a demographic that's in Jackson now and it's only going to get higher. The existing community is getting older so we need to find a place. I always tell Trustees or Council people that your community is a victim of yourself and it's a positive statement. This is a great community. You've built a great community, you've built a great school system, a road network, a fire, a police, and people want to stay here. But if they can't stay here because they can't either afford the 5 acres or they don't want to afford it, where are they going to go? And they don't want to go to a high rise, they want to be independent and they want to live and that's the kind that we're trying to afford them.

Pizzino: Well, I don't think we're talking about 5 acres, I'm just talking about regular lot sizes.

Hart: Regular lot size is 20,000 sq. ft.

Pizzino: I'm not talking 5 acres and let me just give you my opinion.

Hart: Sure.

Pizzino: My opinion when the Comprehensive Plan came together and we basically plotted (indecipherable) to this Township. You know, you draw an imaginary line down Frank Rd. and from Frank Rd. east that's our commercial district and you go down to Portage and you head toward Frank Rd. and you have some multi-family, then you have some residential mix. And from Portage to the Lawrence Township line, you know you had a lot of larger (indecipherable) and that's the way I believe this Township was designed. In my opinion, that's what the Comprehensive Plan is all about. Now what you want to do is take one little section, well I call 20,000 sq. feet lots, and condense it down to smaller homes. I'm not too sure I agree with you that was the best plan for that.

Hart: Well, it's what the Comprehensive Plan has pointed out. If you want I can go through that. I can show you exactly where it is in the Comprehensive Plan and, honestly, we came and researched it because I was wondering I sat in the meeting where there were 109 condos and they never even got to show their DVD. They started it up and people were already booing and hissing. And I had to agree with them. One hundred and nine units on this parcel is outrageous. What we did is we looked at the Comprehensive Plan, we took the zoning of R-R and we mirrored it with the same amount of units. We just don't transact with those types of lots with the customers that we want to drive here.

Pizzino: So if want R-R your going to (indecipherable).

Hart: We believe so. We believe so. I believe Joni did the calculation.

Poindexter: You deduct the straight road right of ways for the R-R and they have approximately 6 acres of road right of way under the R-R with the acres they have they could get approximately 49 units. But then again it depends on the layout of the roads and the lots and that, but that's the maximum they could get is 49.

Pizzino: So you're talking. . .

Poindexter: Lots.

Hart: And the mistake was made at the County level and I don't know if you can zoom in on this but we only have 2.3 acres of roadway. They took the total of all the drives, the roads and the buildings at 6 acres. We only have 2.3 acres of roadway. It's right on our plan right here by our engineer. Six acres of road, if the road superintendent is here, that's a lot of roads for a subdivision. We actually only have 2.39 acres of road so that was one of the issues that I had with the County report. I think they took an overall of the driveways, I think what they meant to say was impervious surfaces would be almost 6 acres, not roadway. We don't, Joni sees it, it's on the plan. It's only 2 acres of roads. So we actually have more spacing. I'm not pointing this out but I do want say within the Comprehensive Plan, if we follow this R-R Open Space and I know it's not in the Zoning Code it actually speaks of density bonuses. No one wants to hear about that. We didn't take any density bonuses, we actually felt we were doing exactly 51 units, I had a 64 lot plan that I cut down to 57 because at one time we thought we were allowed to have 57 on the R-R. We have some unusable space so we cut it down to 51. I don't think you'll find developers trying to cut themselves down the lots but I want to be crystal clear I believe in my whole heart and in my head I'm following the R-R.

Burger: Obviously, I've received some phone calls, too.

Hart: I'm sure you have, sir.

Burger: Obviously, some of these people live very close to that, some of them, it was their farmland, they grew up and other people that live across Lutz Avenue in adjoining allotments that were very concerned and I think you mentioned one of the individuals there earlier when you first started to speak. I hate to see all the farmland get put in these PUDs and so forth. But over the last few years, obviously, anybody that lives in the Township sees condominiums going up and they seem to have enough people that are very interested in those. Then I see a plan like this and I have really mixed emotions and the more the people talk to me, it helps me make up my mind.

Hart: Sure.

Burger: Maybe it's because of my age that I look at something like that and I can see a need for it. I've got almost 4 acres and that's getting to be more than I want to take care of now.

Hart: But you don't want to loose your home or the value of having your home.

Burger: That's right.

Hart: And that's what we're trying to give here. It is a mentality. And that's why we're in front of you tonight. We're just trying to get the mentality out of the way. We believe there are just as many lots here within the R-R, we're not cutting it up. One last thing, I just want to point out some facts of this. We want to give back to the community the community park. We want to ring it with a trail which is in the Comprehensive Plan. Matter of fact community parks is in there, you guys are shy, Jackson's shy 5 or 6 Community Parks. Its shy walking trails, its shy conductivity which we've shown. We really did look at the Comprehensive Plan, I did and I had an advisor look at it and say what could we do. Because there's no kidding aside, I can't sell large lots. Jackson has a plethora of them, even Emerald has slowed down and they're teeny lots. We're not looking for lots. We are looking really a ring green space. Because of some common maintenance that we can do, lot lines kind of disappear and I know it's a mentality issue for everyone here but they truly disappear. What we're trying to say is 51 units and then an R-R, we could possibly make 51 units, if we want to argue, 49. I could go along with that. I think the 51 may be a more factual. We're not talking about people drag racing on our streets and we're not talking about people adding children to the already possibly overcrowded school system. We're talking about taxpayers that really aren't harvesting a whole lot for their dollar other than living here part of the year and then maybe living in Florida for the next part of the year and we maintain the units for them. This is no way row houses. We're a custom builder, we custom build each one of these, windows, walls. We don't have two units the same in Tallmadge. We have one in Twinsburg, we don't have any of the units the same. They may look somewhat similar from the outside, each one of them is individual. When you can expand to a loft and a fourth bedroom, third bedroom down if they need it, sometimes some of them have an older father that they want living with them. We truly make these a custom, this is not a tract house or a national builder, and this is all custom homes. And we try to do it very affordable, because we can control our prices.

Burger: If I could interrupt, I think we've heard some of these comments two and three times already this evening. I would like to personally have some of the people in the audience that have their own personal reason why they might be opposed to this.

Meeks: First of all, Bill, Mr. Hart, I thank you. We're going to ask if anyone else wants to speak in favor of this project. Please come forward, state your name and address. Okay, I'll close that portion. Is there anyone who would like to speak in opposition of the zone change? Please come forward and state your name.

Johns: William Johns, 7040 Lutz Ave., N.W. This property in question, I own this property right here. I've lived there for 45 years and of course I don't like the idea of it being developed back there because I'm used to the green space. Green space doesn't mean a lot of houses with land around it. That's what this is. I don't see the need for it but the biggest objection I have is this road coming out onto Lutz Avenue. This house is 11 feet from the property, the well is one foot from the property line. You can look over here on Mudbrook, Strausser any where you want to these developments have one access, in and out. Why do they need two on this? The developers agreed to make this into a boulevard, he's agreed to try to make this into an emergency exit. He would sub-base it, make it accessible to the fire engine and so forth like that

but not to the average car. This is right over a crest of the hill. Those cars on Lutz Avenue run, although it's posted 45, they're running 60 and 70 miles an hour through there. Many times I pull out of my driveway with nothing in sight and within 100 feet there's a car on my bumper. The kids take off from this intersection and they just floor it and they come flying up that road. It's a dangerous intersection up in this area if they have that road. I'd like to see them table this thing until we get that road straightened out in that area. I don't think it's necessary. As he said, I think the Fire Chief was agreed that a boulevard would be acceptable, we had just one person and that was in the Stark Regional Zoning that didn't like the idea. How did we start all these other ones? And some of them are very recent, the one on Mudbrook, in particular, is a recent one, its one entrance and exit. The one by the Stausser School is one entrance and exit. Farther up on Strausser, there are two of them on Lutz that have only one entrance and exit. This is dangerous for the lady living here, Mrs. Smith, she has two small children. I don't like the idea of those cars racing back and forth on that thing and as far as the older people that will be using this, I don't know. I don't really see a need for this. If you drive along Mudbrook, you look in that allotment there's a lot of small homes in there the people can have. The road is my biggest contention. Thank you.

Meeks: Thank you. Anyone else?

Rana Smith, 7080 Lutz Avenue. I live in this house here. My main concern also is the road which is extremely close to my property line, my house, my well. My kids like to be out in the yard and I have allowed them to play in that strip of land because it hasn't been used for anything so they're used to being over in that area. I agree with Mr. Johns, I don't see the need to have the road there other than for the emergency access. As he also pointed out, there are numerous allotments that do have the one entrance and exit. I'm not against the development, it's going to happen one way or another, but again my concern is the roadway there. Thank you.

Meeks: Thank you very much.

Hart: May I say something. We offered Ms. Smith, if we're blessed and we're allowed to have, we're going to put a fence up on her property line. I want to connect her into the water system if she wants.

Meeks: Just hold on, we're going to give them a chance, and you'll have an opportunity to rebut. Anyone else that would like to speak against? Yes, ma'am. Please come forward.

Julia Aneshansel on Portage Street. Mr. Meeks and Mr. Pizzino hit a lot of my questions. You talk about the road on Lutz. No one's talking about the in and out on the boulevard they're talking about on Portage. That's one tenth of a mile, I think, from the light, approximately, that's going to be there. Is that approximately right?

Meeks: I don't know

Aneshansel: It's close. You know, there's the dip in that road, too. You talk Portage Street, you think the traffic travels fast on Lutz, and I've lived on the corner of Portage and Lutz for 50 years. I can tell you, its worse on Portage Street and everyone knows that if they drive Portage

Street. It's crazy. But I've never heard anyone think about all the cars going in an out on that. That's going to be weird. That's going to be wild. That close to the light, if the light is red, cars back up, you're not going to be able to get out and people aren't going to be able to get in or out of there, I don't think. Or if the turn in and then the cars are coming over there, I don't know. I don't think that's a good set up either.

The other thing is he tells about the counters and the carpet, I've never seen a picture of the outside of these houses. I mean, we see the boxes on Mudbrook, you know, just little brown boxes, if there's 58 of those lined around that might not look so good. But I've never seen one picture of what the outside of his houses would look like. I also have heard, and I don't know this for a fact, if it goes for R-R3, then that's opening our zoning to multi-family and to business. Is that correct?

Poindexter: No. Commercial is not permitted in the R-3 district.

Aneshansel: Okay. But how about multi-family? Once R-3 is in.

Poindexter: No. The plan that's approved is the plan they have to build. If this plan would be approved, they could not come in and put in multi-family dwellings.

Aneshansel: They couldn't?

Poindexter: No.

Aneshansel: That doesn't open the door for any other lower than an R-R.

Poindexter: Not for this plan.

Aneshansel: Not for this plan but how about for the plot right down the street.

Poindexter: Well, yes that could happen. Someone else could come in and ask to rezone their property also. If they chose to do that.

Aneshansel: And if we've had R –R3 then its not much stretch to get to a multi-family, right?

Gonzalez: One thing just for clarification. This is a planned unit development. Just that development. When he brings in that picture of the house, and that's a great request, they can even enforce that. This is restricted zoning. If they would approve this, this is exactly what is approved.

Aneshansel: Okay. I don't mean he changed his. I mean is that opening the door for the future land. I don't know the answers, I'm asking.

Pizzino: Well, anybody can ask for a zoning change.

Meeks: It doesn't mean it would be rubberstamped.

Pizzino: There's no multi- family up there on Lutz anywhere that I know about. It's just not part of the area.

Aneshansel: Okay. I just didn't know that. That was just a question I had.

Pizzino: But, you know, another Board of Trustees could do what they want but this Board is pretty much followed what's in that neighborhood stays in that neighborhood.

Aneshansel: Okay. That's good.

Pizzino: (Indecipherable) makes sense.

Aneshansel: That's good. Yes, that makes sense. That's what I needed to know. I disagree on him thinking we older want out. I am so tired of people telling us what we old people want. And he's saying 40 year olds for empty nesters, I have a 42 year old son whose wife is pregnant with the 4th baby. So I mean, I don't think that's what he says about empty nesters, he's talking way down the line for empty nesters in today's world. They're having babies at 40, you know. So I think that's a bunch of hogwash, as far as I'm concerned. Everyone out on our street is over 70 and right down there they in their 80's and they're taking care of 3 acres. So I don't buy that crap. Pardon me.

Meeks: They do a nice job, too.

Aneshansel: They do a very good job and they share the same name almost. Yes. Okay, if the houses don't sell that he builds, would he rent them?

Meeks: I don't think so. I don't know.

Pizzino: He could though.

Aneshansel: He could though. He could.

Meeks: We're going to ask that.

Aneshansel: Okay. Do you, like you brought up so much, there's no guarantee that this home owners association, now I haven't seen it in Jackson, I've seen it in other areas, where they just go right out the line. Somebody else will buy it, it isn't kept up, it isn't worth anything or they raise the prices so high they can't get people to come in to buy the places. So I don't see where that's such a, you know he says he does it, but there's no guarantee he's going to be around or he will do it. I don't see that. So, that's all I have to say.

Meeks: Thank you, ma'am. Anyone else? Yes, Mr. Meek. You almost spelled your name right.

Meek: It doesn't matter too much to me because of my age but

Meeks: Excuse me, sir, could you state your name and address, please.

Meek: Oh, yes. Frederick C. Meek, 9200 Portage Street NW. It doesn't make too much difference to me but if you zone for that will that kind of open the door for another developer in some other area. If you zone for this gentleman, the next gentleman comes in, he's going to say well you did it for him. Now when I moved out here 48 years ago or whatever, it was little ranches on big lots. And I have 3 acres, it's getting hard for me to take care of it, too. But I couldn't afford to move in there. I have to stay where I'm at. But the only thing I worry about, well, I'm not worried about, but the only you think about is Jackson going to stay rural and residential or is it going to become like the northwest end of Canton, houses jammed together, and I don't think we want to see that. That's the only thing I have to say.

Meeks: Thank you, sir. Would anyone else like to speak? Anyone? Yes, sir.

Steven Pastorini, 9251 Hunter's Chase, I do have some concerns about the possibility of this opening legal challenges in adjacent properties. I think I spoke with Ms. Poindexter and my understanding of R-3 is that it allows for adjacent multi-family and commercial. I know that this particular developer is going to keep this like this but I'm worried about the other properties that might get purchased in the area, like the golf course and what could happen in those locations. I'm also concerned, being across the way here in Hunter's Chase, I'm concerned about the egress onto Lutz as well. And I think that's just going to be dangerous. Those are my two largest concerns with regards to this rezoning.

Meeks: Thank you, sir. Thank you for your e-mail as well as your phone call, too, by the way. Joni:

Poindexter: I think what he's referring to is in the Zoning Regulations. It says R-3 may occur between residential and multi-family or residential and commercial so I think where your concern is once that's in there then that opens up for other properties to be rezoned for that so it is between multi-family and commercial. Correct?

Pastorini: Correct.

Poindexter: But the resolution, it doesn't say it shall be located between them, it does say that it may occur between those. But again each re-zoning is looked at on it own basis for the area.

Meeks: Okay. Anyone else? Anyone? Okay, I'll close that portion of the hearing and I'll give the last bite of the apple to Mr. Hart. We have some concerns, obviously, and it is a concern of mine that you had two meetings, which I thank you for because what I always tell a developer, is that if you truly believe in your project and your development

Hart: be proud of it.

Meeks: be proud of it and go out and sell it to those who live in the area and adjacent to it. Okay. And then also leave room for that gray area where you have to move into. That's called

compromise. So we've heard some things this evening and one very common concern is the access, ingress/egress, off of Lutz.

Hart: As I stated, I feel like I'm between a rock and a hard place, I did have a very frank conversation with Reva from the County Planning who I believe, I don't have her title, I believe she's a director or similar, she's already told me if I come back without Lutz, I will be denied. She told me point blank.

Pizzino: I don't know how she can do that.

Hart: Because there are certain codes that it won't meet, ingress/egress, block length, I can't tell you all the specifics. When I approached her on it we had just met with the Chief and Joni and we thought I had a wonderful solution to resolve for Ms. Smith and was euphoric and then got shot down within ten minutes and have a subsequent follow up conversation in an e-mail and she said the Planning Commission will not recommend.

Meeks: Well, first of all, we look at safety on our roads. And that is why we're putting a full-blown intersection improvement there at Lutz and Portage because of the unsafeness of that intersection. Now I will not sit here and approve a zone change that puts a street in jeopardy of being unsafe, out onto a heavily traveled, we know Lutz is, and your statistics say 55, we did a study when we improved Strausser/Lutz, we got it turned down to 45.

Hart: Yes. Now I'm saying it's designed and it's not mine, it's actually yours, it's the Stark County Engineers stuff. I think they did to meet the merits of the light. I'm not agreeing, I totally agree, I wish this body could tell me, Mr. Hart, Dave, look we understand the concept, and we'd like to see it and we can give you some leeway on the connection to Lutz. And if you have that within your ability, I'm all for it. I've already commended to Chief Heck that we'll build whatever he wants. We'll build whatever the Zoning Commission would want. And trust me this issue was very heartfelt spoken at the last planning commission, the BZA. And, you know, I think, the greater good the whole issue was it may be in jeopardy but common sense abounds and to address the issue this is about five hundred and some feet from the light. I think the stacking distance in this proposal is 7 cars. So that doesn't come anywhere close to 5. So I think we can get ingress and egress out of Lutz. But I appreciate the concern.

One other issue I'd like to address. I did have the two meetings, unfortunately, I think two people in here got up and we had a round table we didn't have a formal meeting, we had the plan and I took notes. Two people in here came. I didn't have the opportunity to address anyone that spoke last because they didn't come to our meeting. So I would have done so then.

Meeks: Is there a reason why you didn't bring pictures of your product?

Hart: I never thought it was an issue. First of all, it's to them, I have Mr. Schalmo here who knows my reputation 20 years in the business that can speak about it. Everyone that was at our meetings that requested the full color photos, they got everything in the mail. I know you received them, I don't know, Ms. Smith, if you got them, you may have. Okay. We sent them out. We're proud of our product. Honestly this is a zoning hearing and approval for the zoning,

we've never been questioned about our product because we're so proud of it. I don't carry photos of it because what we're trying to do is this is a concept. I probably have some renderings in my car of the attached product, but I don't know how well that's going to do you. I can show you pictures of our homes, pictures of some of the units we think are going to go here, without question. I mean, I have photos that show our grand entranceways and everything that we do. Honestly, I've never gotten into a product battle over a zoning issue.

Pizzino: Well let's get off that for a little bit. Let's look at this access for a moment. Lutz. That's right on a little bit of a hill and I understand that. This gentleman here (indecipherable).

Hart: There is a slight grade.

Pizzino: Can you move that road down?

Hart: We don't own any other property other than right here and this actually makes the complication worse for the intersection and also the block length. We actually did have a proposal here initially and that's when I pulled it off because we were told by RPC it doesn't meet block length code. There are certain codes that you have to meet, we've tried. I would love for this, with the Police Chief's approval, can we build the road and put 'Do Not Enter' on it? Can we say 'one way'? Can we say 'emergency access only'? I mean I really feel like the bigger brother is telling the smaller brother what to do in this and I'm somewhat the victim. All I want to do is a great job.

Pizzino: But you don't want to build an allotment and put people in jeopardy going out onto Lutz.

Hart: No, but I do have to say, if you know it's a problem and our residents would recognize that that road is an issue. You say it's a problem, I say it may be a lifesaver when this guy's having a heart attack and there's a fire here and they can't get through.

Pizzino: And that's why we're here. If we don't change that tonight then it's really a moot issue till the next person comes in front of us or until we try to work this out. I guess, Chief, I'm going to ask Chief Heck, you okayed that just as an emergency road?

Heck: Yes, we went back into the Fire Code and talked about development of a fire lane which, by code is 20 feet wide. It was going to be restricted. It met our requirements so we could get in there if we found the main entrance blocked. Sadly, experience has shown us that those conditions have happened. So we insist on having that second access.

Pizzino: So you're insisting on that, not Regional Planning?

Heck: We're insisting on having two ways in with the size of that allotment and the fact that we don't have anything developing to the north or east from that development as this point in time. Therefore, experience has shown us that we've ended up with fires, blocked entrances and additional calls that have occurred and we can't get in or people can't get out. And at that point they start driving over yards or over hose lines, it's a major issue. Our agreement was to make it

a fire lane, post it, restrict it. We would have the only access to it police or fire. It would not be used on a routine basis by the occupants of that development. It would strictly be for an emergency backup.

Pizzino: You say Regional Planning said they wouldn't allow that?

Hart: They wouldn't allow it nor would they support it. They'd make me go through the whole process again. Eight or 10 weeks it would take to get on their agenda.

Pizzino: Mr. Boger, could we turn that to a one way street, one way in?

Boger: Your (indecipherable) you can

Pizzino: I mean, legally?

Fitzgerald: Is that going to become a public road?

Hart: It can be. It's shown as a public roadway. We could certainly make it private. I was just thinking of that today.

Fitzgerald: The RPC jurisdiction is separate from ours? So whatever we do, we can't affect their jurisdiction so if they make a separate decision requiring a stricter road we can't override that but perhaps, Ted and Joni, you spoke with RPC about the possibility of allow the plan that Chief Heck thought was okay to provide the access?

Poindexter: Yes, and RPC wanted that road there. They said the only way that road could go away is if those connection roads to the north, if those were ever built to connect another way into that allotment, then that road there could be vacated. But that's the only, they insist on that road being there. Now as far as if the Township could make it a one way in, I don't know that that would affect RPC. It's a road, it's there.

Meeks: I don't understand those comments, Joni, from RPC meaning that we have an allotment north of Mudbrook off of Lutz to the east side that has a one way in and out, ingress/egress, as well as go west of Mudbrook, north of Mudbrook there, west of, I'm sorry, Lutz, Arlington, you have another one, same scenario. So if this is what they truly believe then they're not following their own rules.

Poindexter: Yes, I don't know that you couldn't make that a one way. I just know that RPC is requiring that road to be there.

Meeks: Right.

Hart: They're requiring an access to . . .

Poindexter: Correct, correct. They're requiring a second access into that development.

Pizzino: If we made that one way in, that would take, I think that would be lot better than having it going out.

Unidentified: I think we could get by (indecipherable)

Pizzino: You think legally we could get by there?

Unidentified: I don't think people should have to run it by RPC.

Hart: Could we make it a right turn only?

Pizzino: I don't think we should have anybody going out on there, to be honest with you. That's just my opinion. I'm not too sure about the dip. Do you know what he's talking about? Where that's coming out on the hill?

Meeks: And our road improvement won't affect that and if there is a road coming out, the only way that would be palatable in the safety realm would be for you to pay to have that hill lowered so that your visibility is clear.

Hart: If there's an issue.

Meeks: Right.

Hart: We all address this as we think there is. No one has addressed that issue and I can assure you that the County Engineer, the County Allotment Engineer, felt that was an issue he would address that in our construction plan. So it is an addressable issue once we get beyond this and go into a construction (indecipherable). My opinion is if I could take the road out, I don't want it. I'm from a fire safety background I'd rather have a twenty foot access and Chief and I decided that knock down bollards would be best, not the mechanical gates they'd have the key for it and would someone sneak out of there once in a while, sure. When the gentlemen in one of the units has a heart attack and there's a block there that's mandatory to have a second way in and out. Looking from my standpoint, that's a very expensive acquisition and a very expensive road. I'm not trying to force it on this community. I just feel like I'm really, you know, I can't go left and I can't go right.

Pizzino: It could be cheaper for you if we could get it as just a private access, also.

Hart: Ultimately but even the private access, it's going to cost something.

Pizzino: Oh, of course.

Hart: But I think for the safety issue, if we're concerned with that, we would do that. I would like to suggest, I could post signs if the Township allows me. Sign it as a dangerous intersection. On my own private lots.

Pizzino: Once that becomes our road, it's our road.

Poindexter: And as Regional Planning said one of their statements were if this were developed as a regular R-R subdivision as it's zoned, that road could still go there.

Gonzalez: Did you ask them, Joni, about the temporary barricaded road? Just for emergency access.

Poindexter: Yes. I did speak to Reva about that after our meeting and after Mr. Hart had called me and said that he had spoken to Reva and she said they would not go for that. He was correct, she did say that needed to be a road that was not just an emergency access.

Fitzgerald: If it's established as a public road, the issue becomes whether the Trustees could then make it a one way road in, so to speak, restricting public use out but not emergency use.

Pizzino: You want to try to research that? We could postpone this.

Fitzgerald: You know, to make absolutely sure of that so you get caught in a trick bag so to speak and also, Mr. Hart can bring his pictures in, perhaps we could continue the hearing to further cement that aspect. That's obviously a big concern, this road.

Pizzino: I think we should also contact Regional Planning to see if we could help. . .

Fitzgerald: Change their mind.

Pizzino: Mr. Hart out, also. I don't think the people are now against the allotment so much as the access in and out on this road.

Fitzgerald: I think that's a good idea to continue it to resolve those issues.

Gonzalez: (Indistinguishable) the requirements on the PUD because of the pictures and how much the Board can enforce (indistinguishable).

Fitzgerald: Yes, if we had that with respect to the Glenmoor development. If the actual pictures, Mr. Hart and the audience, if they're actually incorporated and we ask the developer to make them part of the plans, so to speak.

Hart: Put them on the plan, sure.

Fitzgerald: Then you're stuck with the plan when you develop. You have to develop according to the plan, including the pictures, which you don't seem to have any issue with whatsoever. So that's how we'll handle that.

Gonzalez: If the pictures are approved, it can be enforced.

Fitzgerald: Correct.

Hart: What happens if we want to upgrade. You know, things do happen.

Pizzino: You have to come back to this Board.

Hart: Absolutely. Fine.

Pizzino: Not Regional Planning.

Hart: No, as you said, we're proud of our projects and proud of our product. Honestly, I'm not trying to not show you something, I didn't come prepared because I've never had a product issue but I'm used to dealing maybe in more in Summit County where we have communities all around and they understand our products.

Pizzino: And what you're asking for we have the power to enforce that.

Hart: Absolutely.

Pizzino: If you don't give us anything you could build about anything you want.

Hart: I fully understand.

Pizzino: If you don't have a problem, that's great. Mr. President, at this time I think I'd like to make a motion to continue this hearing to May 29 meeting.

Fitzgerald: We probably should set a specific time if we could.

Pizzino: I'd have to ask the Administrator, Mrs. Lyon?

Lyon: 6:30.

Pizzino: Okay, I'll make it at 6:30 on the 29th.

Meeks: Second. Under that, please, sir, you have some homework to do. And what we're trying to do is see if we can meet, what I refer to, as that gray area. And we have some homework to do because we are going to get hold of RPC. This access road is an issue. Hopefully, we can come together and either we like what we see or we don't like what we see and you'll have to go down the road.

Hart: Are there any other comments that I should come prepared to address at the next meeting? I have product and I have the access road. Was there any other thing that you had that you want me to. . .

Meeks: There are two other things. Are you planning on any street lights in this?

Hart: Yes.

Gonzalez: You (indecipherable) establish a street lighting district.

Hart: district. Yes.

Meeks: Okay.

Pizzino: We can incorporate that in the motion.

Hart: I can put in the exhibit of what the street lights will, I'll work with the power company.

Gonzalez: Regulations.

Hart: Yes, I saw that.

Meeks: Also you know we're doing the improvement of that intersection.

Hart: Yes, we have that already incorporated or once we release the engineering, I actually have all the County's drawings, and we're on, I guess we're in tune with what they're asking.

Meeks: Since you're so in tune with what they're asking, this is what we're asking. Would you be agreeable to donating the right of way that we need?

Hart: We already did.

Meeks: Well, thank you.

Hart: Absolutely.

Pizzino: One other thing while we're talking about Mrs. Smith's property. You said you were going to a fence up.

Hart: Yes. It's all dependent on whether the road goes. I can't put a fence within 5 feet of the right of way so I can't own the fence. I'll be happy to donate it Ms. Smith and the only other thing about the well is I believe the well may have to be removed and if the well is removed, that we'll pay for the tap in fee for Ms. Smith for the water. As long we could work out the arrangements, because I do believe that water line does, even if this didn't exist, we'd have a water line connection because police and fire, or police, always want to see in water lines, see the loop. So we'll come in.

Meeks: Those are issues that you'd have to work with.

Hart: I think we worked it out.

Meeks: Mrs. Smith.

Hart: We haven't had a final decision if that road had to go. I had already made Ms. Smith aware that if this has to happen, we'll put a fence up and we'll pay, I don't know if I ever told you, but we'll pay the tap in fee for the water as long as she's willing to get off a well and she'd

have to go, I think its Consumers monthly billing statement, quarterly billing statement, but we are really trying, gentlemen, to overcome every issue.

Meeks: Now just one other thing. I know that we're a little out of order here. Madam, you have had your hand up a couple times.

Carol Ortiz, 9219 Portage for probably 42 years. I am more concerned with Portage Street and people trying to get in and out of there. When that light is red on Portage, that traffic is going to back up past where he wants to make his entrance. And nobody is going to go anywhere until the light changes again. And I also would like somebody to find out for me if on Lutz they're going to put those things in the road so that when a car runs over them that's when the light changes on Portage because if it's just going to be a sequential time thing, then all night long we're going to have trucks stopping there for no reason because there's no way on Lutz using it and we're going to hear that roar and so are the people that live in whatever he builds.

Meeks: I will make sure that I, Ralph, do you know off the top of your head because if not I don't want to put you on the spot, but if not we'll get hold of Mike Rehfus making sure that those sensor pads are in there.

Boger: Yes, that's the plan, up at Portage and Highmill's set the same way.

Meeks: Yes. So that's great.

Ortiz: And how many cars are you going to be able to stop on Portage before it will block his entrance?

Meeks: I think they

Ortiz: It's not very many.

Boger: Five hundred feet, I think the more serious problem there is an eastbound car wanting to turn into that boulevard.

Ortiz: That to. It isn't going to work.

Pizzino: Okay, we can look at it.

Meeks: Go ahead, Mr. Jones, Johns, I'm sorry.

Johns: (Undecipherable) taking the (undecipherable) here. But they do also own property here onto Lutz.

Meeks: You're talking right at the base of that hill there on Portage.

Johns: At the base of the hill there's a long, it's along hill, it's not a short hill, there's a lot of visibility there.

Hart: I'd have to go back to through the whole play. We had a road there, it didn't meet warrant or it didn't meet demand, there's more of a

Pizzino: It didn't meet Regional Planning?

Hart: It didn't meet for block length issue over to end here. We are kind of where we are.

Pizzino: That's where they told you that had to go?

Hart: It's where our engineers put it and that's working with Regional Planning. We'd put this here and we put these intersections here based on Regional Planning's commentary. We have explored just about every option on this.

Pizzino: Okay, well, again, there's a motion on the floor.

Pizzino moved and Meeks seconded a motion to continue the public hearing on Zoning Amendment 560-07 to May 29, 2007 at 6:30 p.m. **3-0 yes**

Meeks closed the zoning amendment hearing.

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

Steven Meeks	**Randy Gonzalez**