

## RECORD OF PROCEEDINGS

### MINUTES OF JACKSON TOWNSHIP BOARD OF TRUSTEES MEETING

SEPTEMBER 10, 2007

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

Meeks moved and Burger seconded a motion to go into Executive Session for Police Department Personnel (Appointment/Employment/Compensation)

1. Interview Secretary 2 applicant
2. Interview Sergeant applicants. **3-0 yes**

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

The Pledge of Allegiance was recited.

#### Public Speaks

No one came forward.

#### Police Department

The appointment of Richard Mitchell to the position of Lieutenant effective September 1, 2007 was announced.

#### RESOLUTION 07-107, 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 Tyson Bissler to the position of Full Time Sergeant in the Jackson Township Police District Department, effective September 15, 2007, with a probationary period of six months. **3-0 yes**

#### RESOLUTION 07-108, ATTACHED

Meeks moved and Pizzino seconded a motion hereby authorizing the hiring of Susan Oster for the full-time position of Secretary 2 in the Police Department, effective September 17, 2007, who will be compensated at the rate established in the Negotiated Agreement between the Jackson Township Board of Trustees and the Fraternal Order of Police, Ohio Labor Council, Inc., Office and Clerical Employees.

Be it further resolved that Susan Oster will serve a six month probationary period during which time she may be terminated without cause by the Board of Trustees. **3-0 yes**

**ATTACHMENT 09/10/07 A**

Meeks moved and Pizzino seconded a motion to authorize advertising for a Secretary 3 position in the Police Department. **3-0 yes**

**Administration Department**

**ATTACHMENT 09/10/07 B**

Meeks moved and Burger seconded a motion to adopt the attached Amended Travel Policy. **3-0 yes**

**Fire Department**

**ATTACHMENT 09/10/07 C**

Meeks moved and Burger seconded a motion to approve the appropriation transfer request from account code 210.210.5387, Discretionary/Cont., to account code 210.210.5398, Bldg. Maint., in the amount of \$40,000.00. **3-0 yes**

**ATTACHMENT 09/10/07 D**

Meeks moved and Burger seconded a motion to adopt and authorize the placement of our signatures upon the attached Agreement with Canal Fulton for the sale of one used fire pole. **3-0 yes**

**Highway Department**

**RESOLUTION 07-109, ATTACHED**

Meeks moved and Pizzino seconded a motion that we hereby determine that Perram Electric, Inc. is the lowest and best bidder for the Arlington/Fulton Traffic Signal Project and hereby award a Contract to them in the amount of \$54,680.20 which is the Total If Alternate Is Used 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 09/10/07 E**

Meeks moved and Burger seconded a motion to approve the appropriation transfer request from account code 204.310.5387, Discretionary, to account code 204.310.5552, Road Materials, in the amount of \$23,500.00. **3-0 yes**

**ATTACHMENT 09/10/07 F**

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 \$3,400.00. **3-0 yes**

**RESOLUTION 07-110, ATTACHED**

Meeks moved and Burger seconded a motion whereas, the State Capital Improvement Program and the Local Transportation Improvement Program both provide financial assistance to political subdivisions for capital improvements to public infrastructure, and

Whereas, the Jackson Township Trustees are planning to make capital improvements tot the Lafayette/High Mill Intersection Improvement, and

Whereas, the infrastructure improvement herein above described is considered to be a priority need for the community and is a qualified project under the OPWC programs.

Now therefore be it resolved by the Board of Trustees of Jackson Township, Stark County, Ohio that:

Section 1: Steven M. Meeks, President of the Board of Trustees, is hereby authorized to apply to the OPWC for funds as described above.

Section 2: Steven M. Meeks, President of the Board of Trustees, is further authorized to enter into any agreements as may be necessary and appropriate for obtaining this financial assistance.

**3-0 yes**

### **Park Department**

#### **ATTACHMENT 09/10/07 G**

Meeks moved and Burger seconded a motion to accept the donation of a storage shed for the Park Department from the Jackson Fastpitch Association.

**3-0 yes**

### **Fiscal Office**

#### **ATTACHMENT 09/10/07 H**

Pizzino moved and Meeks seconded a motion to pay the bills in the amount of \$419,305.65.

**3-0 yes**

#### **ATTACHMENT 09/10/07 I**

Meeks moved and Burger seconded a motion to approve the minutes of the August 23 and August 27, 2007 Board of Trustees meetings.

**3-0 yes**

#### **ATTACHMENT 09/10/07 J**

Meeks moved and Burger seconded a motion to approve the financial reports for August 2007.

**3-0 yes**

### **RESOLUTION 07-112, ATTACHED**

Meeks moved and Burger seconded a motion to adopt the attached Alternate Tax Budget Document for Fiscal Year 2008 as required by the Stark County Budget Commission in their attached May 30, 2007 directive, authorize the Township Fiscal Officer to sign the Alternate Tax Budget Document and authorize the Township Fiscal Officer and/or Law Director to file said Alternate Tax Budget Document with the Stark County Auditors Office.

**3-0 yes**

## **Routine Business**

### **Announcements**

- Next regular Board of Trustees meeting, September 24, 2007, 4:00 p.m. Executive Session and/or Work Session, 6:00 p.m., General Session, Township Hall.
- CIC, September 17, 2007, 5:00 p.m., Township Hall.
- LOGIC, October 4, 2007, 9:00 a.m., Safety Center, Chiefs' Conference Room.
- Board of Zoning Appeals:
  - September 13, 2007, 7:00 p.m., Township Hall.
  - September 27, 2007, 7:00 p.m., Township Hall.
- Park Citizens Advisory Committee, September 11, 2007, 6:30 p.m., Township Hall.
- Fulton/Wales Intersection Improvement Project Update:

The project is right on schedule for 2008 construction. Weather has been cooperative and utility movement is well underway. The accompanying streetscape project, which will be built adjoining the intersection, is also coming together. A grant application, and local public and private financial assistance are being coordinated. The schools, library, YMCA, and Township government operations will join the new and modern shopping area with convenient new roadway and walkway in downtown Jackson Township. Traffic will be maintained in all directions during construction.
- Halloween Trick or Treat in Jackson Township – Sunday, October 28, 2007, from 3:00 to 5:00 p.m.

### **Old Business**

None

### **New Business**

None

**Zoning & Planning Department**

**RESOLUTION 07-111, ATTACHED**

Pizzino moved and Meeks seconded a motion whereas, the Jackson Township Board of Trustees, having been informed in writing that noxious weeds are growing on the lands in charge of Katherine Fontana, Jackson Township, described as follows: Parcel No. 1700071, at .45 acres on Hills & Dales Rd. NW, Jackson Township.

Therefore, be it resolved that said Katherine Fontana, whose tax mailing address is 1147 Oak St., New Philadelphia, OH 44663, be notified by serving on them by certified mail with return receipt requested, a written copy of this resolution that said noxious weeds are growing on such lands and that, pursuant to ORC Section 5579.05, they must be cut or destroyed within five (5) days after the service of such notice or show this Board cause why there is no need for doing so. The owner shall have a continuing duty to cut or destroy the noxious weeds every 30 days from the date of this Resolution until September 30. If the owner fails to meet this obligation within the five-day period, or the subsequent 30 day periods, the Township will mow at \$150.00 per hour with a \$400.00 minimum charge. **3-0 yes**

**ATTACHMENT 09/10/07 K**

Pizzino moved and Meeks seconded a motion that the Jackson Township Board of Trustees, Stark County, Ohio, hereby makes report and certifies that on the 15<sup>th</sup> day of May, 2007 it was informed in writing that noxious weeds were growing on lands of MJC Investments, in Jackson Township and were about to spread and mature seeds; said lands being described as follows: .45 Acres – Brunnerdale Avenue NW, Parcel Nos. 16-23509, N.W. Qtr. Section 23, Jackson Township, and thereupon said Jackson Township Trustees caused said noxious weeds to be cut or destroyed by the Jackson Township Park Department.

The following is a statement of the charges for labor, materials, and equipment used \$400.00

You are hereby requested to cause such amount, when allowed, to be entered upon the tax duplicate and to be a lien upon the above-described real estate, from and after the date of the entry, and to be collected as other taxes and returned to the Township to be placed in the Township general fund. **3-0 yes**

**ATTACHMENT 09/10/07 L**

Pizzino moved and Meeks seconded a motion that the Jackson Township Board of Trustees, Stark County, Ohio, hereby makes report and certifies that on the 28<sup>th</sup> day of June, 2007 it was informed in writing that noxious weeds were growing on lands of Darryl G. Autery, in Jackson Township and were about to spread and mature seeds; said lands being described as follows: 4599 Louise Drive NW, Lot #50, Marihill Allotment #2, Parcel No. 16-27827 N.E. Qtr. Section 26, Jackson Township, and thereupon said Jackson Township Trustees caused said noxious weeds to be cut or destroyed by the Jackson Township Park Department.

The following is a statement of the charges for labor, materials, and equipment used \$400.00

You are hereby requested to cause such amount, when allowed, to be entered upon the tax duplicate and to be a lien upon the above-described real estate, from and after the date of the entry, and to be collected as other taxes and returned to the Township to be placed in the Township general fund. **3-0 yes**

**ATTACHMENT 09/10/07 M**

At 6:30 p.m., Meeks opened the Public Hearing on Zoning Amendment 563-07, request to rezone from R-4 (Multi-Family Residential) to B-3 (Commercial Business) at 7282 Portage Street NW.

Meeks: Before I turn it over to Trustee Pizzino, I have to recuse myself.

Pizzino: Thank you, Mr. Meeks. Inspector Joni?

Poindexter: Yes. This is a proposal to rezone property. The property owner is Racar Properties, LLC, 6233 Margate Circle NW, Canton, Ohio. The applicant is Dee Issow, 7205 Celina St. NW, Massillon. The proposal is to rezone 7282 Portage NW which consists of parcel number 1620594 and 1620595 and is approximately 1.81 acres from R-4 Multi-Family Residential District to B-3 Commercial Business District located in Sections 16 NE of Jackson Township. Some of the contents of the file are the zoning application, a copy of the notice and list of adjoining property owners who were mailed notices, a copy of the legal ad posted in the Canton Repository, a dated photo of the rezoning sign and the location of the sign posted on the property, a letter of permission from the property owner, a map and legal description of the property and Stark County Regional Planning Commission's recommendation. This matter went before the Stark County Regional Planning Commission on August 7 in which they recommended denial. The facts considered in the recommendation are as follows:

1. The acreage proposed for rezoning is in a mixed-use are, with two-family dwellings to the south, multi-family dwellings to the west, offices on the north side of Portage Street, and businesses east of Lorraine Avenue. The adjacent zoning districts are R-2 Two-Family Residential to the south, R-4 Multi-Family Residential to the west, B-1 Suburban Office to the north, and B-3 Commercial Business to the east.
2. There is an existing home located on one of the tracts proposed for rezoning which, according to the applicant, was previously used as a group home.
3. Over the years, commercial zoning and uses have extended west from Wales Road. RPC has recommended in the past that the B-3 district end on the east side of Lorraine to provide for buffer zones between residential and commercial uses.
4. The properties on the northwest corner of Portage and Lorraine were previously requested for B-3 zoning; however, the RPC recommended, and the township approved, a modification to B-1 Suburban Office to provide a buffer zone between the residential and the more intense commercial uses to the east.

5. Some of the permitted and conditionally permitted uses in the proposed B-3 Commercial Business District, such as hotels, motels, gasoline stations, automotive service station, mini-storage facilities, certified composting facilities, planned business complexes to include large box retail stores, and terminals for fleet vehicles are intensive and could have a detrimental effect on the existing well-established residential neighborhoods to the south and west. The B-3 commercial zoning district should not be encouraged to protrude further into the adjacent residential areas.
6. The 2030 Comprehensive/Transportation Plan shows the area west of Lorraine to continue as developed suburban living area.

This matter was heard before the Zoning Commission on August 16<sup>th</sup> at which time the Commission has recommended a modification to CP Canal Parkland District which is now before the Trustees for their consideration.

Pizzino: Thank you, Joni. The first part of this hearing people will come up and speak in favor and we will close that. Then we'll have the people who would like to speak against this. So at this time, is there anyone here in favor of this proposed zoning change? If so, please come up and state your name and address.

My name is Dee Issow and I'm the one that's petitioning the Trustees for the change.

Gonzalez: Could we get your address on the record, please?

Issow: Okay, its 7205 Celina St. NW in Massillon, well Massillon is the mailing address, Jackson Township.

Gonzalez: Thank you.

Issow: I grew up in Massillon. I left here after college, went to New York, and moved back 10 years ago with my husband. He was a musician and an artist. I have a marketing business here in town. My husband was an artist, a sculptor. He passed away a year ago. I have been working with a good friend of his to try to keep his art, his business, going. I have also been carving myself. We found out that the property at Lorraine and Portage was available and we inquired in there because I was interested in moving the business so I would have a better way of showcasing the art but also have an area where I could work better with the art. The property at Portage and Lorraine has a historic building on it. It's an original Sears & Roebuck mail order house which just added to the whole interest that I had because I would really very much like to renovate it in the style it is and have it as an artist's residence and be able to set the remaining grounds off in a park like setting and to be able to showcase our stonework and our outdoor sculpture. I live three or four blocks from there myself so I am very much aware of the zoning plans and I also would not want anything there that would be a big box or something like that. But what we want to do is have an art studio. Yes, it is a business, hopefully I make money doing it. But I'm more interested in continuing the art and also in taking this property and restoring it. Not only is the building itself historical but it also is, I believe, the original farm house from Frances Acres which was the farm in that whole area. So I had made this petition.

I'm interested in buying the property. I've made an offer on the property pending a consideration that you will have. I have put together some information on how we would lay out everything and how it would look. When we moved into the area we bought a little fixer upper and it had two oaks in the back and we turned it into a park. Everybody in the neighborhood stops by and says how beautiful it is. I'd like to do that to that property there and take it even a little further and really try to encourage arts in this area. I have a marketing business and I do well with it and I have the luxury of being able to do a little more than just sit around and spend my money on stuff. I can actually build something and have a little piece of history that I can renovate. Donovan Lloyd is a sculptor. He is a good friend of my husband's. He does wonderful work. He's interested in living there and since most of our product is outside, it's really important to have somebody on premise. Plus the fact, art happens when art happens. It's not a nine to five kind of thing. So to have him there all the time would be a great thing. What we do is done by hand. We don't use power tools at all so it's not like a (indecipherable) manufacturing or any noise and disruption in the neighborhood. I'm hoping that you all will see that what I want to do would be good for Jackson Township and good for the community and I'm hoping that you'll approve this. Thank you.

Pizzino: Is there anyone else who would like to speak in favor of the zone change?

My name is Mark Williams. I live at 6233 Margate Avenue in Jackson Township. I own the properties right next door to it, as well as that corner, too. When I bought the property originally I wanted to have some control of what would go in there because I owned the properties next to it. There have been a number of other opportunities that I was not in favor of so I didn't get into an agreement with them to sell it. For it to be an apartment building, if you were to build an apartment building there, with the traffic that's on Portage, I have other properties there, there is a great deal of difficulty getting people to want to rent on Portage with the heavy traffic anymore. So it really isn't as much an advantage to have it as an R-4 anymore, that's why I chose to sell it and go forward with this here. So I just wanted to, I'm affected by it dramatically in one way or the other, of course, and if Portage was a place where people could live and it would be a desirable place, then it would have been a little bit of an advantage to me to build an apartment building there. And I would have done it but it's very difficult to rent.

Pizzino: But there are all apartment buildings around that right now.

Williams: To the west of it there are two (indecipherable) which I own. There are duplexes behind it, there's an office building across the street. Diagonally there's Rohr & Sons, across the street there is a retail establishment of three or four different items.

Pizzino: Is there anyone else? Sure. Please state your name and address.

Yes, I'm Donovan Lloyd. I'm the resident sculptor and the studio manager at Sculptures in Stone currently located on Portage, just a block east of the property that we want to have rezoned for a new store. We rent from Dan Geiger right now and just have a little parking lot to work out of. I just want to reiterate what Dee said. We want to preserve the history of the land. We don't want to change it. We want to have an art studio in a park like setting so that people can come and enjoy nature and enjoy the art and bring art to our township here, Jackson Township. And

really be unobtrusive to the neighborhood. We want to co-exist and make it a nicer place for everybody here in Jackson Township. So please just consider that as you consider this zoning. Thank you.

Burger: Thank you.

Pizzino: Is there anyone else?

Yes, I am Dan Geiger. I own Jackson Collision been there for 25 years. Dee Issow has rented from me for the past few years. They have definitely made my property look better and I think it would be a great asset for Jackson Township to have them down three blocks away from me. I hate to lose them as a renter but I think that they truly add something to a community that we all are looking for. They have vision, they have concept and they have the things that we are looking for here in Jackson. The outlook to make our community better and it's just one of those things that in all honesty, we have fountains being made, they make them by hand. They do a great job. I walk out in my shop and I sit down and listen to water trickle. Very, very calming. I'm pretty much a type A person that's halfways nuts but they give us something that we don't have here. They give us a lot of tranquility. And water flowing, the calming of it and I don't think that Dee is really looking for money at the bottom end of this. I think she's looking for the legacy for her husband to live on which he was an artist and he was somebody that we all cared about that knew him. Pretty hard to put this all into words but I'm going to tell you what I think. It'd be for the better of the community if we let this go in down there. I don't want to lose them as renters. They pay their rent three months in advance which I love but it's one of those things that everybody that pulls into my shop area now is very, very happy and jump out of their cars with smiles on their face to look at and very, very tranquil people. So please consider it. I don't think it's going to be detrimental to the community or anything else period. You don't have a lot of traffic going in and out. I think it's one of these things that I think it would be an asset for our community. And yard art is coming, coming, coming very fast at Jackson. We don't need as much construction out here as what we have and the people that have the yard art and the, how do I put this, the fountains and stuff like this that they run in the Repository for us all to go look at, it's very tranquil. And it's not something that we're going to take and make eight million dollars off of or create a lot of traffic or a lot of havoc. So I think it would be something very, very good for our community and I'd like to see you guys approve it. Thank you.

Pizzino: Is there anyone else in favor of this zone change? If not, we'll close this portion. Is there anyone who would like to speak against the zone change? Anyone? Okay, we'll close that part of it. Okay, Mr. Burger, do you have any comments?

Burger: As the people here probably realize the recommendation of the Regional Planning Commission was denial of the zone change. I'm sure you're probably aware of that. What they wanted to approve was the modification to CP, Canal Parkland and I think that's a little bit of a stretch as far as Canal Parkland. I'm sure you're all aware of where the Canal Parkland is down on Erie Street. Whether that was the basis of why the County planning commission turned us down or not but also the fact that it does not correspond with the Jackson zoning and that's why you're here obviously, to request the change. I'm very familiar with the area and I've been by there and admired the stonework and so forth. Unfortunately, sometimes whatever your own

personal feelings are, what I enjoy looking at flies into the face of what the rulings are from the zoning and the Township zoning. I feel that I'm going to have to vote no as far as authorizing the rezone to Canal Parkland.

Pizzino: As you stated you run a very nice business and I think it would be an asset to Jackson Township but what this Board has to look at is not so much the business going in there but the zoning. Does it meet our Comprehensive Plan? Does it encroach on our residential district? You know, at one time when we set this up we stopped the business district at Lorraine. What's going to happen is now, because its retail you can't ask for B-1, you'd have to ask for B-3 and again, it has nothing to do with your business, but once your business is gone, once we rezone that, that zoning stays with that property. Anybody could put anything they want there as B-3. Right now, again, as long as you're there, and as long as everything is going fine this is a great plan for that corner, I believe. But what we have to look at is, again, down the road and, again, once we change that zoning that zoning stays with that corner or those lots. So the recommendation from the zoning department basically it said Canal Park District and, again, that's more than a stretch. That wasn't the intent of that, I don't believe. I believe it spells out that you know its going to be down at the canal there at Highmill and Crystal Springs area. In order to accommodate your zoning needs we'd have to change that to B-3 and my concern is, again, it's not your business, I think it would be fine there. But once we change that, that's B-3 then we're taking our plans that we had of stopping commercial from going any further west or going west of that actual line. I need a recommendation. Mr. Burger would you like to make a recommendation?

Fitzgerald: You need to make a motion. Your motion is either to deny, if you're leaning that way, a motion to deny the recommendation of the Zoning Commission.

Pizzino: Okay, Mr. Fitzgerald do you want to explain what would happen on the three choices we have?

Fitzgerald: Well, the three choices are a motion to approve the recommendation of the Zoning Commission, a motion to deny or make a modification of it. But you have to make a motion.

Pizzino: Would you like to make a motion?

Burger: To deny.

Fitzgerald: To deny the recommendation of the Zoning Commission.

Pizzino: The hearing is closed. Public speaks is closed now.

Fitzgerald: You need to say, Bill, your motion is to deny the recommendation.

Pizzino: At this time here, I'll make a motion to deny the recommendation of the Zoning Commission.

Pizzino moved and Burger seconded a motion to deny the recommendation of the Zoning Commission on Amendment No. 563-07.

**Pizzino Yes**  
**Burger Yes**  
**Meeks Recused**

Pizzino: We do thank you for coming this evening. We have denied the recommendation of the Zoning Commission and that property will stay R-4 at this time.

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

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**Steven Meeks**

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**Randy Gonzalez**