

RECORD OF PROCEEDINGS

MINUTES OF JACKSON TOWNSHIP BOARD OF TRUSTEES MEETING

MARCH 23, 2021

Hawke called the meeting to order at 3:00 p.m. at the Jackson Township Hall with Trustees Todd Hawke, John Pizzino, and Jim Thomas present. Fiscal Officer Gonzalez, Administrator/Law Director Vaccaro, Assistant Law Director FitzSimmons, Zoning Inspector Poindexter, Fire Chief Berczik, Police Chief Brink, and Public Works Director Rohn were also in attendance.

Hawke moved and Pizzino seconded a motion to go into Executive Session for Fire Department Personnel (Appointment / Employment / Compensation) – Deputy Chief Interviews.

3-0 yes

Hawke moved and Pizzino seconded a motion to go into Executive Session for Fire Department Personnel (Appointment / Employment / Compensation) – Promotions.

3-0 yes

Upon return from Executive Session at 4:34 p.m., Hawke called the General Session to order. Hawke requested that all cell phones be silenced at this time.

The Pledge of Allegiance was recited.

Public Speaks - None

Administration Department

Hawke moved and Pizzino seconded a motion to accept a donation of \$500.00 from Christopher and Denise Scala.

3-0 yes

ATTACHMENT 03/23/21 A

Hawke moved and Thomas seconded a motion to approve the Jackson Township NPDES Small MS4 General Permit Annual Report and Storm Water Management Plan to Ohio EPA for year ending December 31, 2020.

3-0 yes

ATTACHMENT 03/23/21 B

Hawke moved and Thomas seconded a motion to accept the attached retirement notice from full-time Zoning Investigator, Clifford R. Meidlein, effective April 30, 2021 at 16:30 hours.

3-0 yes

ATTACHMENT 03/23/21 C

Hawke moved and Thomas seconded a motion to approve the appropriation transfer request from account code 319.110.5387 Discretionary - Admin, to account code 319.110.5765 Amphitheater-GF-Capital-Admin, in the amount of \$19,551.77.

3-0 yes

RESOLUTION 21-060 ATTACHED

JOINT ECONOMIC DEVELOPMENT DISTRICT BOARD OF DIRECTORS – STARK STATE

Hawke moved and Pizzino seconded a motion that pursuant to 715.72(P)(1)(d) and Section 9 of the Jackson/Canton Joint Economic Development District Contract, we hereby appoint Aaron McClure, Math Department Chair, Stark State College, as the member of the JEDD Stark State Board of Directors representing the persons working within the District for a four year term from 10/23/21 to 10/23/25.

3-0 yes

RESOLUTION 21-061 ATTACHED

JOINT ECONOMIC DEVELOPMENT DISTRICT CD BOARD OF DIRECTORS

Hawke moved and Thomas seconded a motion whereas, Andrea Capuano, VP of Organizational Development, ComDoc, A Xerox Company, notified the Township on March 16, 2021 that she is resigning her position as the member of the JEDD CD Board of Directors representing the owners of businesses within the District due to her upcoming retirement.

Be it resolved that, pursuant to ORC Section 715.72 (P)(1)(d) and Section 9 of the Jackson/Canton Joint Economic Development District CD Contract, we hereby appoint, Mike Kraus, Director of Distribution & Innovation Center, ComDoc, as the member of the JEDD CD Board of Directors representing the persons working within the District for a four year term from 3/23/21 to 3/23/25.

3-0 yes

ATTACHMENT 03/23/21 D

Hawke moved and Pizzino seconded a motion to amend the Board of Trustees' regular schedule as follows:

1. The May 25, 2021 meeting shall be canceled and rescheduled to May 24, 2021 at 4:00 p.m. (Executive Session) and 5:00 p.m. (General Session).

3-0 yes

ATTACHMENT 03/23/21 E

Hawke moved and Thomas seconded a motion that we do not request a hearing for the Liquor Permit for 4262 Portage Tiaquepaque LLC, 4262 Portage Rd & Patios, Jackson Township, North Canton, OH 44720.

3-0 yes

ATTACHMENT 03/23/21 F

Hawke moved and Pizzino seconded a motion that we request a hearing on the advisability of issuing the permit and request that the hearing be held in our county seat for the Liquor Permit for RILO Corp., DBA Karma Social, 4623 & 4627 Whipple Ave NW, Jackson Township, Canton, OH 46912.

3-0 yes

Police Department

ATTACHMENT 03/23/21 G

Hawke moved and Thomas seconded a motion to accept the attached resignation from Part-time Police Patrol Officer, Kurtis Johnson, effective March 31, 2021, at 23:59 hours.

3-0 yes

Hawke moved and Thomas seconded a motion to accept a donation of \$300.00 from Rex and Christine Molder.

3-0 yes

Hawke moved and Thomas seconded a motion to accept a donation of \$15.00 from Alexander Vedmedev and Nina Stabrova.

3-0 yes

Public Works Department

Highway Division

ATTACHMENT 03/23/21 H

Hawke moved and Pizzino seconded a motion to approve the appropriation transfer request from account code 204.310.5387 Discretionary - Hwy, to account code 204.310.5398 Park Snow Service - Hwy, in the amount of \$6,500.00.

3-0 yes

Park Division

Hawke moved and Thomas seconded a motion to accept the following sponsorship donations to the 2021 Community Celebration:

1. \$1,000.00 from Cutler Real Estate
2. \$250.00 from Oster Sand & Gravel
3. \$250.00 from Superior Paving & Materials Inc.
4. \$250.00 from Lloyd Seifer FOP Lodge #206

3-0 yes

Central Maintenance Division

RESOLUTION 21-063 ATTACHED AUCTION SALE AGREEMENT

Hawke moved and Thomas seconded a motion that we hereby adopt and authorize the placement of the Board Chairman's signature upon the attached Auction Sale Agreement with Kiko Auctioneers.

3-0 yes

Fire Department

Hawke moved and Thomas seconded a motion to accept three (3) \$100.00 gift cards from the Jackson Local School Foundation.

3-0 yes

Zoning and Planning Department

Hawke moved and Thomas seconded a motion to set public hearing for Zoning Amendment 649-21 on April 13, 2021, at 5:00 p.m. Hillsdale Farms Development, LLC, property owner, 5201 Richmond Road, Suite 1, Bedford Heights, Ohio 44146 proposes to rezone R-R Rural Residential District to R-1 Single Family Low Density Residential District, approx. 35.96 acres located at parcel #1600883 Perry Dr. NW, Sect. 34SE Jackson Twp.

3-0 yes

Fiscal Office

ATTACHMENT 03/23/21 I

Hawke moved and Pizzino seconded a motion to pay the bills in the amount of \$968,608.29.

3-0 yes

ATTACHMENT 03/23/21 J

Hawke moved and Pizzino seconded a motion to approve the minutes of the March 9, 2021 Board of Trustees' meeting.

3-0 yes

Routine Business

Announcements

- Next regular **Board of Trustees'** meeting, April 13, 2021, 4:00 p.m., Executive Session and/or Work Session; 5:00 p.m., General Session, Jackson Township Hall.
- **CIC**, April 15, 2021, 8:00 a.m., via video conference.
- **LOGIC**, April 1, 2021, 9:00 a.m., via video conference. Those interested in participating should call (330) 830-4285.

- **Zoning Meetings** – None Scheduled

Old Business – None

New Business

Hawke moved and Thomas seconded a motion to authorize Vaccaro to negotiate and enter into a MOU with the Fire Department Fire Fighters Union based on promotional policy.

3-0 yes

Public Speaks – None

A 15-minute recess was held until 5:00.

Upon from return from recess, Vaccaro presented for the Administration Department.

5:00 p.m. – Public Hearing

Vaccaro received an application from both the Assistant Law Director and from DeHoff Properties seeking establishment of a Community Entertainment District. Vaccaro asked the Board to open a public hearing.

FitzSimmons addressed the Board and confirmed that an application was made to create a Community Entertainment District (CED) on behalf of the Township (incorporating the area of the Jackson Amphitheater) and DeHoff Properties- Nobles Pond Development Co Ltd. This CED grants certain rights with respect to liquor permits under the Ohio Revised Code. The practical effect is that it reduces, for certain areas, the significant expense of bringing in and transferring in liquor permits. This is being done with an economic development perspective in mind and for service at the amphitheater for certain events. Secondly, for the Nobles Pond Development, to allow them to have the potential to bring in new tenants, because the cost of the liquor permit is significantly reduced.

Since no one spoke for nor against the application, Hawke closed the public hearing and Vaccaro asked the Board to make a decision.

**RESOLUTION 21-062 ATTACHED
COMMUNITY ENTERTAINMENT DISTRICT**

Hawke moved and Thomas seconded a motion that whereas, the Board of Trustees received the attached application for approval of the formation of a “Community Entertainment District” pursuant to Ohio Revised Code Section 4301.80 in those areas depicted and described in such application;

Whereas, the Board of Trustees held a public hearing on March 23, 2021 to receive public comments to such application;

Whereas, after taking into consideration all public comment, the Board of Trustees has determined that the formation of the proposed “Community Entertainment District” will provide valuable economic development opportunities in an important portion of the Township and that the approval thereof by the Board is in the best interests of the Township and the health, safety and welfare of its residents; and

Whereas, after taking into consideration all public comment, the Board of Trustees has determined that the formation of the proposed “Community Entertainment District” does or will substantially contribute to entertainment, retail, educational, sporting, social, cultural, or arts opportunities for the community.

Be it resolved that, we hereby approve the formation of a Community Entertainment District under Ohio Revised Code Section 4301.80, as set forth to the attached application.

3-0 yes

At 5:05 p.m., the Jackson/Canton Joint Economic Development District (JEDD) – Stark State Meeting was held.

At 5:10 p.m., the Jackson/Canton Joint Economic Development District (JEDD) – Stolle Machine Meeting was held.

At 5:15 p.m., the Jackson/Canton Joint Economic Development District (JEDD) – Fitzpatrick Meeting was held.

At 5:20 p.m., the Jackson/Canton Joint Economic Development District (JEDD) – Com-Doc Meeting was held.

At 5:25 p.m., the Jackson/Canton Joint Economic Development District (JEDD) – TSG Meeting was held.

At 5:30 p.m., the Jackson/Canton Joint Economic Development District (JEDD) – TOC Meeting was held.

Hawke moved and Pizzino seconded a motion to continue the Tax Incentive Review Council (TIRC) Meeting for Sam’s Club on April 13, 2021.

3-0 yes

Zoning and Planning Department (continued)

5:00 p.m. - Public Hearing

Proposed re-zone of Zoning Amendment 647-21. Matt Scheetz, 8060 Frank NW, N. Canton, OH and Dominic Ferrante, 6677 Frank NW, N. Canton, OH agent for Scheetz Building Corp., 8060 Frank NW, N. Canton, OH and Sol Partners, LLC, 6677 Frank NW, N. Canton, OH proposes to rezone B-1 Suburban Office and Limited Business District to B-2 Neighborhood Business District

6665 & 6677 Frank & Parcel #10005889 Frank located on the west side of Frank approx. 385 ft. south of the southwest corner of Frank and Portage, Sect. 11SE/14NE Jackson Twp.

Poindexter informed the Trustees that the Zoning Commission met on February 25, 2021 and they recommended approval as requested for the re-zone.

Matt Scheetz of 8060 Frank Ave NW, North Canton, OH 44720 asked for a re-zone from B-1 to B-2 for a potential small retail customer that wants to build on the property. He said they are constructing a multi-tenant building there, however, currently only have one tenant. Scheetz also asked Sol Harris Day to change their zoning as well for continuity purposes, which is why they are on the application.

No one spoke in favor of the re-zone nor against it and Hawke closed the hearing.

ATTACHMENT 03/23/21 K

Pizzino agreed that the re-zone makes sense and moved to adopt the recommendation of the zoning commission. Hawke seconded the motion.

3-0 yes

5:15 p.m. – Public Hearing

Proposed Zoning Text Amendment 648-21. The Jackson Township Trustees propose misc. text amendments to the zoning resolution, including but not limited to, modifications to definitions, locations of Bed and Breakfast, skill-game use with over 5 machines as a conditional use and adding or modifying regulations for clarification purposes.

Poindexter reminded everyone about the work session that was held on February 9, 2021 where these amendments were initiated. The Zoning Commission met on February 25, 2021 and were okay with all proposed changes except for the change to add Airbnb to the definition of a Bed and Breakfast Residential. The Zoning Board thought there should be a distinction between the facilities that are primarily operating a business and those that have owner occupied residents that were renting out on a limited basis because they felt they were two different things. The Zoning Commission recommended that the amendments should be approved with the exception that they ask the Law Director to reconsider the Bed & Breakfast Residential restriction. Poindexter went on to discuss a court case in Auburn Township regarding Airbnbs and a zoning violation, which focused on the definitions of different dwellings. She has been working with Vaccaro to update the Township's definitions, however, she suggested that the Trustees move forward with the Zoning Board's recommendation and not change the definition at this time.

No one spoke in favor of the amendments nor against them and Hawke closed the hearing.

ATTACHMENT 03/23/21 L

Hawke moved and Pizzino seconded a motion to adopt the recommendation of the Zoning Commission.

3-0 yes

5:30 p.m. – Public Hearing

Proposed revision of Zoning Amendment 560-07. A-List Land Development LLC, property owner, 1425 Whipple Ave. NW, Canton, Ohio 44708 requests revision to the layout of a previous R-3 PUD Development plan, approved on June 11, 2007 by the Jackson Township Trustees. Property located at the northeast corner of Portage and Lutz, Parcel #1630190, Sect. 8SW Jackson Twp.

Before beginning, Hawke addressed several emails he received and reminded everyone that this was not a zoning change, just a change in the development plan, which he noted was bound to happen at some point due to road configurations, gas well issues, etc.

Andy Ginella, the attorney representing A List Land Development, located at 4096 Holiday St NW, Canton, OH 44718 was presenting. However, prior to Mr. Ginella's presentation, Hawke asked him if they had contact with the County Engineer about the most recently submitted plan labeled "March 23rd Trustee Meeting Revised Plan", concerning access management and road conditioning. Mr. Ginella responded that Mr. Bob Warner, the engineer, had spoken to the County. Hawke then informed them that he had spoken with the County Engineer directly and they had said that based on their review of this current plan, that it could not be approved with the road coming out on Lutz because it was too close to the intersection. Hawke said they could not be expected to approve a plan that they knew would not be approved by the County Engineer.

Mr. Bob Warner of 450 Grant St., Akron, OH, then addressed the Board. He stated that the preliminary plan was submitted to the Stark County Subdivision Engineer three weeks ago. He said they received comments back from him and those comments stated nothing about the road. Hawke responded that the Subdivision Engineer does not cover the Stark County Engineer for access management going out onto the roadways. Access Management rights state that the road must be a minimum of 600 feet away from a major intersection and this current plan sits at about 350 feet, which will not be approved. Hawke also had Poindexter follow up with the Stark County Engineer and based on their comments, they said the same thing. Some discussion continued and Hawke suggested that it would not be prudent to hold the hearing now and then have to do it all over again after the County denies the plan. Mr. Ginella and Mr. Warner decided to withdrawal their application.

Public Speaks

Richard Stockton of 8811 Camden Rd NW in Jackson Township spoke to the Board. He is concerned about the proposed development looking nothing like the surrounding community and is wondering how their concerns will get factored in to this decision. Hawke responded that he could not speak for another person, however Mr. Ginella is in attendance and you can speak to him directly. Hawke also stated that the development is zoned R-3 and that there are criteria that have to be met as was approved in 2007. Since then modifications have been made to the land therefore requiring adjustments to the original plan. Mr. Stockton also asked about the gas wells that were moved and the inability to get sewer to some of the original lots. Hawke was unable to speak to that, but pointed out that the application states they were working around a gas well relocation from 2011 and also the ability to get better access to sanitary sewer. Mr. Stockton asked

that if lots were required to be moved around a gas well relocation, would that make the original plan null and void. Hawke said no because the original plan was approved as an R-3. The plan can be amended, if approved, but it will not become null and void. Mr. Stockton was also concerned about the number of lots originally approved versus the number of lots they are requesting this time around. Hawke said they could ask for revisions as long as long as it remains under the limit. Mr. Stockton's concern is about their voices being heard. Hawke addressed his concerns and spoke about only being able to do so much since the land is already zoned R-3. He also commented about some requests, such as a landscape buffer being added, already being a part of the original plan, however he is not being able to answer any specific questions because they have to go back and revise their plan. Mr. Stockton said he plans to make himself available to the developers and would like to have a discussion with them, which Hawke encouraged.

Mike Farrell of 7542 Roman Ave NW addressed the Board about protecting their property values. He asked if there is anything they can do to protect their property values in terms of lot size or building materials, etc. Hawke responded that those things are all up to the property owner as long as they meet the minimum square footage and lot size. Mr. Farrell also asked about results of environmental studies and if any coal chutes or anything of that sort had been found. Hawke said that there was no requirement that any of that type of information be made public. Vaccaro agreed stating that was not a requirement within the code at all, however if a homeowner wished to share that information that was their choice or one could request to pay for a study themselves if given permission by the homeowner. Mr. Farrell then asked if a homeowner would have any way of knowing if a coal chute or anything similar was present prior to purchasing and Vaccaro responded by saying that information would have to be disclosed during the property sale.

Gretchen Sekulich of 7291 Roman Ave NW in Berkshire Farms is concerned about the original zoning being approved in 2007, which was 14 years ago and since then, Berkshire Farms, and Rolling Greens 1 and 2 have been built adding hundreds of new homes. When her family moved here from the city, they were not looking for that type of density in their neighborhood and she is worried about this new development diminishing the value of their homes. She is distraught that a plan can be put in place that long ago and not factor in any change over that many years. Hawke responded the same way as he did with Mr. Stockton, stating that when he bought his house, things looked differently than they do now, but there is nothing he can do about it. He added that the plan is attached to the land, so even if the ownership changes, the plan will not. Ms. Sekulich said she wishes she could change that. Vaccaro commented that there were recently two cases in the Ohio Supreme Court concerning reverting back to previous zoning if no building occurred, but both cases were denied by the court. Ms. Sekulich just finds it odd that after such a long time frame, the same plan is still in place. Hawke reassured everyone that the only way the plan can change is via Trustee approval, where all sides will get a chance to be heard. He also informed the public that he is not ignoring anyone's emails, but he waits to make comments until the meetings so everyone is hearing the same information. As a Trustee, he takes into account both sides, from a homeowner's perspective as well as doing what is legally correct. Hawke recognizes the increased traffic, however, the Supreme Court has ruled that you cannot deny zoning. Vaccaro confirmed that the Supreme Court ruling precedent is that residential to residential zoning is not an argument, versus if it were residential to commercial. Gonzalez added some explanation that the Trustees hands are tied in what they can say since they are the ones who will be deciding the fate of this application when it is resubmitted. He stated that the Board is all very aware that many

people came today ready to speak up and share how they feel and weren't able to do that because the developer had to withdrawal their application. He added that the law was set up in order to protect the residents. If the property was zoned differently, they could make changes however they want and never need Trustee approval. Gonzalez also reiterated that the attorney was still there and it would be in everyone's best interest to sit down with the residents and come up with an agreeable plan, since overall the decision is in the hands of the Trustees, to which Hawke added, is a decision that they do not take lightly. Pizzino added a comment about the revised plan not likely being far off from the original plan, being that the original plan was approved and they now need the revised plan to be approved as well.

Chad Dennis of 9927 Agate St NW and his wife recently purchased land on Camden, but have not broken ground yet. He asked about what options the developer has at this point, not having 600' of distance from the main road. Hawke responded that it is not likely that they will get access on Portage, unless they were to acquire additional lots. Mr. Dennis also asked about the timeframe and how they would be notified when the developer came back with a revised plan. Hawke reassured him that the public will be notified and the meeting will be advertised just like it was for this meeting. Poindexter followed up with a good point, that if they were to purchase new land that was not zoned R-3, they would have to request a re-zone. Hawke clarified that he was referring to existing lots, but agreed with Poindexter about if new land were purchased.

Todd Hershberger of 7487 Rowan Ave NW, Jackson Township wanted to address Hawke's comment about being offended by some of the emails. He explained how he grew up poor in WV as one of 11 kids and has saved his whole life and has worked hard to afford his current house. He also thinks that if any one of the Trustees were in the same position, they would also be concerned about their property values. Hawke agrees, but pointed out that just because a house isn't valued at a \$300,000, doesn't meant they didn't work just as hard. Mr. Hershberger understands, but doesn't think Hawke should be offended by their concern, in fact he thinks others should be just as concerned about their property value. Hawke reiterated that the statement was made directly about houses under \$300,000 bringing down their property value, so knowing his house is under \$300,000 how else would that be received. He just wants people to understand how that comment, written in an email, could make someone feel. Again, Hawke pointed out that the developers had landscape buffers written into their plan and a discussion with them, could alleviate some of these concerns.

Mr. Stockton made a second attempt to speak to the Trustees, stating that Hawke's house was not in the vicinity of their neighborhood. Vaccaro and Gonzalez both spoke up that the Trustees would hear comments should during the actual hearing.

Hawke moved and Pizzino seconded a motion to adjourn.

3-0 yes

Todd Hawke

Randy Gonzalez