

RECORD OF PROCEEDINGS

MINUTES OF JACKSON TOWNSHIP BOARD OF TRUSTEES MEETING

DECEMBER 10, 2019

Hawke called the meeting to order at 3:30 p.m. at the Jackson Township Hall with all Trustees, Fiscal Officer, Vaccaro, Poindexter and FitzSimmons present.

Hawke moved and Pizzino seconded a motion to go into Executive Session for Public Works Department Personnel (Appointment/Employment/Compensation) – Interview Candidate for Public Works Director. **3-0 yes**

Hawke moved and Pizzino seconded a motion to go into Executive Session for Public Works Department Personnel (Appointment/Employment/Compensation) – Clerical Assistant Candidate. **3-0 yes**

Hawke moved and Pizzino seconded a motion to go into Executive Session for Zoning Department Personnel (Appointment/Employment/Compensation) – Interview applicants for Board of Zoning Appeals. **3-0 yes**

Hawke moved and Pizzino seconded a motion to go into Executive Session for Zoning Department Personnel (Appointment/Employment/Compensation) – Interview applicants for Zoning Commission. **3-0 yes**

Upon return from Executive Session at 5:04 p.m., Hawke called the General Session to order with all department heads present. He requested that all cell phones be turned off at this time.

The Pledge of Allegiance was recited.

Public Speaks – None

Police Department

Hawke administered the oath of office.

RESOLUTION 19-280, ATTACHED

ACCEPTANCE OF FULL TIME POLICE MAJOR OATH OF OFFICE

Hawke moved and Walters seconded a motion that we hereby accept the attached oath of office from James J. Monigold as Full-time Major and Full Time Constable for the Jackson Township Police District, Stark County, Ohio. **3-0 yes**

A brief recess was taken to allow time for pictures and speeches.

ATTACHMENT 12/10/19 A

Hawke moved and Walters seconded a motion to accept the attached resignation form Part-time Police Patrol Officer and Constable, Dustin Willoughby, effective December 9, 2019 at 08:00 hours. **3-0 yes**

Hawke moved and Pizzino seconded a motion to accept a donation of \$500.00 from Christopher and Denise Scala. **3-0 yes**

**RESOLUTION 19-281, ATTACHED
JAIL TRANSPORTATION AGREEMENT**

Hawke moved and Pizzino seconded a motion that we hereby adopt and authorize the placement of our signatures upon the attached Jail Transportation Agreement with the City of Massillon. **3-0 yes**

Administration Department

**RESOLUTION 19-282, ATTACHED
ARCHITECTURAL SERVICES PROPOSAL**

Hawke moved and Pizzino seconded a motion that we hereby adopt and authorize the Administrator/Law Director, Michael B. Vaccaro, to sign the attached Architectural Services Proposal with John Patrick Picard Architect, Inc. for the Jackson Township Emergency Vehicle Storage Facility. **3-0 yes**

ATTACHMENT 12/10/19 B

Hawke moved and Walters seconded a motion to approve the 2020 Jackson Township Budget and Planning Document. **3-0 yes**

**RESOLUTION 19-283, ATTACHED
EMPLOYEE DISHONESTY AND FAITHFUL PERFORMANCE OF DUTY POLICY**

Hawke moved and Walters seconded a motion whereas, Jackson Township, Stark County is a member of the Ohio Township Association Risk Management Authority (OTARMA), a political subdivision risk pool established pursuant to ORC Section 2744.081.

Whereas, House Bill 291 was signed into law on December 20, 2018 and became effective March 20, 2019; authorizes the use of an, "employee dishonesty and faithful performance of duty policy," instead of individual surety bonds, for trustees, employees, and appointees who are otherwise required by law to acquire a bond before entering upon the discharge of duties; and

Whereas, in accordance with ORC Section 3.061, the Township must adopt a policy by resolution to allow the use of an "employee dishonesty and faithful performance of duty" coverage document, rather than a surety bond, to cover loss by fraudulent or dishonest actions of employees and failure of employees to faithfully perform duties; the following shall apply to the policy:

1. An officer, employee, or appointee shall be considered qualified to hold the office or employment, without acquiring a bond, on the date the oath of office is taken, certified, and filed as required by law.

2. An officer, employee, or appointee shall have the employee dishonesty and faithful performance of duty policy in effect before the individual's term of office or employment and the officer, employee or appointee shall not commence the discharge of duties until coverage is documented.

3. All officers, employees, or appointees who would otherwise be required to file a bond before commencing the discharge of duties shall be covered by and are subject to the employee dishonesty and faithful performance of duty policy instead of a surety bond requirement.

4. The coverage amount for an officer, employee, or appointee under an employee dishonesty and faithful performance of duty policy shall be equal to or greater than the maximum amount of the bond otherwise required by law.

5. Elected officials, prior to taking the oath of office and holding office, shall obtain approval of the intent to use the Township's OTARMA coverage agreement and affirm that the Township's coverage complies with ORC Section 3.061. Said approval shall be obtained by the Jackson Township, Stark County.

Whereas, Jackson Township, Stark County's, "employee dishonesty and faithful performance of duty policy" through the OTARMA coverage document complies with ORC 3.061.

Be it resolved that we hereby adopt the attached Employee Dishonesty and Faithful Performance of Duty Policy.

Be it further resolved that we hereby adopt and authorizes the Township to purchase and use "employee dishonesty and faithful performance of duty policy" through OTARMA instead of individual surety bonds for officers, employees, and appointees who are otherwise required by law to acquire a bond before entering upon the discharge of duties and further authorize the Administrator/Law Director to sign and execute all documents and make such arrangements as are necessary and proper to implement compliance with this Resolution and the attached Employee Dishonesty and Faithful Performance of Duty Policy. **3-0 yes**

ATTACHMENT 12/10/19 C

Hawke moved and Walters seconded a motion to authorize and place the Board's signatures on a letter to accompany an application to the PUCO seeking a reasonable arrangement with respect to electrical transmission. **3-0 yes**

ATTACHMENT 12/10/19 D

Hawke moved and Walters seconded a motion to extend the time of completion for the North Park Amphitheater Audio Visual Project until May 1, 2020. **3-0 yes**

Legal Department

RESOLUTION 19-284, ATTACHED

BUSINESS DEVELOPMENT PROGRAM GRANT – OASIS SURGERY CENTER

Hawke moved and Pizzino seconded a motion whereas, the Trustees consider business development to be of critical importance to the Township, including encouraging businesses to relocate to, and existing businesses to reinvest in, the Township;

Whereas, in concert with the Jackson Township Community Improvement Corporation, the Trustees created the Business Development Program to grant funds to eligible businesses to encourage business development; and

Whereas, the Trustees, upon recommendation from the Jackson Township CIC, have awarded a grant in the amount of \$200,000 to Orthopaedic Property Management, Ltd. for the construction of a new OASIS Surgery Center in Jackson Township.

Whereas, in order for the grant to be funded and distributed, the Trustees, the Jackson Township CIC and Orthopaedic Property Management must enter into a Grant Agreement setting forth the terms and conditions of the grant.

Be it resolved by the Jackson Township Board of Trustees:

1. We hereby approve, adopt, and authorize the placement of our signatures upon, the attached Grant Agreement.

2. We hereby approve a grant to Orthopaedic Property Management, Ltd. in the amount of \$200,000 as set forth therein.

We hereby appoint Michael B. Vaccaro, Law Director, as Authorized Signatory, with authority to execute any and all other documents which he reasonably deems necessary, advisable or proper, in his sole judgment, to consummate the transaction contemplated by the Grant Agreement and such documents are hereby approved, ratified, and confirmed. **3-0 yes**

Public Works Department

Highway Division

RESOLUTION 19-285, ATTACHED

FULTON DRIVE NW / AMHERST AVENUE NW TRAFFIC SIGNAL INSTALLATION

Hawke moved and Pizzino seconded a motion that we hereby determine that Perram Electric, Inc. is the lowest and best bidder for the Fulton Drive NW/Amherst Avenue NW Traffic Signal Installation Project and hereby award a Contract to them in the amount of \$87,545.00 in accordance with the Company's proposal and the Specifications and authorize the placement of the Board's signatures on the Contract. **3-0 yes**

Park Division

Hawke moved and Pizzino seconded a motion to accept a donation of \$500.00 from Northwest Jackson Soccer League. **3-0 yes**

Fire Department

RESOLUTION 19-286, ATTACHED REPLACEMENT OF AN EXISTING 7.5 MILLS FIRE LEVY

Hawke moved and Pizzino seconded a motion whereas, upon due investigation and consideration, the Board of Trustees of Jackson Township has determined that the amount of taxes which may be raised within the ten (10) mill limitation in and for said Jackson Township, Stark County, Ohio, for the next five (5) years will be insufficient to provide an adequate amount for the necessary requirements for said Jackson Township, Stark County, Ohio for the purpose of providing and maintaining fire apparatus, mechanical resuscitators, underwater rescue and recovery equipment, or other fire equipment and appliances, buildings and sites therefor, or sources of water supply and materials therefor, for the establishment and maintenance of lines of fire-alarm communications, for the payment of firefighting companies or permanent, part-time, or volunteer firefighting, emergency medical service, administrative, or communications personnel to operate the same, including the payment of any employer contributions required for such personnel under section 145.48 or 742.34 of the revised code, for the purchase of ambulance equipment, for the provision of ambulance, paramedic, or other emergency medical services operated by a fire department or firefighting company, or for the payment of other related costs for Jackson Township, Stark County, Ohio; and

Whereas, by reason thereof, this board has determined that it will be necessary for the replacement of an existing tax of seven and one half (7.5) mills, which is in excess of such limitation, for the purpose of providing and maintaining fire apparatus, mechanical resuscitators, underwater rescue and recovery equipment, or other fire equipment and appliances, buildings and sites therefor, or sources of water supply and materials therefor, for the establishment and maintenance of lines of fire-alarm communications, for the payment of firefighting companies or permanent, part-time, or volunteer firefighting, emergency medical service, administrative, or communications personnel to operate the same, including the payment of any employer contributions required for such personnel under section 145.48 or 742.34 of the revised code, for the purchase of ambulance equipment, for the provision of ambulance, paramedic, or other emergency medical services operated by a fire department or firefighting company, or for the payment of other related costs for Jackson Township, Stark County, Ohio; and

Whereas, pursuant to the requirements of Ohio Revised Code Section 5705.03(B), this Board as taxing authority for Jackson Township, Stark County, Ohio, certified to the Stark County Auditor, on the 22nd day of November, 2019, a resolution requesting that the Stark County Auditor certify to this Board as taxing authority for Jackson Township, Stark County, Ohio, the total current tax valuation of the Jackson Township as a subdivision, and the dollar amount of revenue that would be generated by the replacement of an existing tax of seven and one half (7.5) mills, which resolution stated that the purpose of said tax was for the purpose of providing and maintaining fire apparatus, mechanical resuscitators, underwater rescue and recovery equipment, or other fire

equipment and appliances, buildings and sites therefor, or sources of water supply and materials therefor, for the establishment and maintenance of lines of fire-alarm communications, for the payment of firefighting companies or permanent, part-time, or volunteer firefighting, emergency medical service, administrative, or communications personnel to operate the same, including the payment of any employer contributions required for such personnel under section 145.48 or 742.34 of the revised code, for the purchase of ambulance equipment, for the provision of ambulance, paramedic, or other emergency medical services operated by a fire department or firefighting company, or for the payment of other related costs for Jackson Township, Stark County, Ohio, for five (5) years, tax years 2020, 2021, 2022, 2023, and 2024, commencing in 2020, first due in calendar year 2021. Ohio Revised Code Sections 5705.19(I), 5705.191, 5705.192, and 5705.25 authorize submission of the question of the replacement of an existing tax.

Whereas, the Stark County Auditor based upon said certification request advised this Board, pursuant to the provisions of Ohio Revised Code Section 5705.03(B), on the 25th day of November, 2019 as provided for in said section, that the total current tax valuation of the subdivision was \$1,632,386,300.00 and that the dollar amount of revenue that would be generated by a specified number of mills, to wit, a replacement of seven and one half (7.5) mills would be \$12,242,897.00 for the above stated purposes; and,

Whereas, by reason of facts above set forth, this Board has determined that it should, and hereby does, declare itself to submit to the electors of Jackson Township, Stark County, Ohio, at the primary election to be held March 17, 2020, the question of the replacement of an existing tax of seven and one half (7.5) mills, outside the ten (10) mill limitation for the purpose of providing and maintaining fire apparatus, mechanical resuscitators, underwater rescue and recovery equipment, or other fire equipment and appliances, buildings and sites therefor, or sources of water supply and materials therefor, for the establishment and maintenance of lines of fire-alarm communications, for the payment of firefighting companies or permanent, part-time, or volunteer firefighting, emergency medical service, administrative, or communications personnel to operate the same, including the payment of any employer contributions required for such personnel under section 145.48 or 742.34 of the revised code, for the purchase of ambulance equipment, for the provision of ambulance, paramedic, or other emergency medical services operated by a fire department or firefighting company, or for the payment of other related costs for Jackson Township, Stark County, Ohio, for five (5) years, tax years 2020, 2021, 2022, 2023, and 2024, commencing in 2020, first due in calendar year 2021.

Be it resolved that there shall be submitted to the electors of the Jackson Township, Stark County, Ohio, at the primary election to be held March 17, 2020, the question of the replacement of an existing tax outside the ten (10) mill limitation in and for said subdivision in the amount of seven and one half (7.5) mills for the purpose of providing and maintaining fire apparatus, mechanical resuscitators, underwater rescue and recovery equipment, or other fire equipment and appliances, buildings and sites therefor, or sources of water supply and materials therefor, for the establishment and maintenance of lines of fire-alarm communications, for the payment of firefighting companies or permanent, part-time, or volunteer firefighting, emergency medical service, administrative, or communications personnel to operate the same, including the payment of any employer contributions required for such personnel under section 145.48 or 742.34 of the revised code, for the purchase of ambulance equipment, for the provision of ambulance, paramedic, or other

emergency medical services operated by a fire department or firefighting company, or for the payment of other related costs for Jackson Township, Stark County, Ohio, for five (5) years, tax years 2020, 2021, 2022, 2023, and 2024, commencing in 2020, first due in calendar year 2021.

Be it further resolved that the submission of said proposal, the notice of election, the form of ballot, the certification of the levy as voted outside the ten (10) mill limitation, and the levying of such millage shall be in accordance with the provisions of Sections 5705.19(I), 5705.191, 5705.192, and 5705.25 and other related sections of the Ohio Revised Code and in accordance with the statutes in such cases made and provided; and that the levy is to be placed on the tax lists of tax years 2020, 2021, 2022, 2023, and 2024, commencing in 2020, first due in calendar year 2021.

Be it further resolved that the form of ballot cast at such election shall be:

PROPOSED TAX LEVY (REPLACEMENT)
JACKSON TOWNSHIP

A majority affirmative vote is necessary for passage

“A replacement of a tax for the benefit of Jackson Township for the purpose of providing and maintaining fire apparatus, mechanical resuscitators, underwater rescue and recovery equipment, or other fire equipment and appliances, buildings and sites therefor, or sources of water supply and materials therefor, for the establishment and maintenance of lines of fire-alarm communications, for the payment of firefighting companies or permanent, part-time, or volunteer firefighting, emergency medical service, administrative, or communications personnel to operate the same, including the payment of any employer contributions required for such personnel under section 145.48 or 742.34 of the revised code, for the purchase of ambulance equipment, for the provision of ambulance, paramedic, or other emergency medical services operated by a fire department or firefighting company, or for the payment of other related costs for Jackson Township, Stark County, Ohio at a rate not exceeding seven and five-hundredths (7.5) mills for each one dollar of valuation, which amounts to seventy five cents (\$0.75) for each one hundred dollars of valuation, for five (5) years, commencing in 2020, first due in calendar year 2021.”

For the Tax Levy
Against the Tax Levy

Be it further resolved that the Fiscal Officer of this Board be, and hereby is, directed and authorized to proceed forth with the certification hereof to the Board of Elections of Stark County, Ohio pursuant to the provisions of Sections 5705.19(I), 5705.191, 5705.192, and 5705.25 and other related statutes, and to proceed with all things necessary to be done in order to accomplish the purpose of this Resolution.

Be it further resolved that it is found and determined that all formal actions of this Board concerning and relating to the adoption of this resolution were adopted in an open meeting of this Board, and that all deliberations of this Board that resulted in such formal actions were in meetings open to the public in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Be it further resolved that it is found and determined that all formal actions of this Board complied with Ohio Revised Code Section 5705.03(B) and that the attached certification was provided by the Stark County Auditor as required by law, which is hereby acknowledged and accepted by this Board. **3-0 yes**

**RESOLUTION 19-287, ATTACHED
DISPATCH SERVICES AGREEMENTS (FIRE AND POLICE)**

Hawke moved and Pizzino seconded a motion that we hereby adopt and authorize the placement of our signatures upon the attached Agreements for Dispatch Services for the Fire and Police Departments with the Local Organized Governments in Cooperation (LOGIC). **3-0 yes**

**RESOLUTION 19-288, ATTACHED
FIRE DEPARTMENT EXTRICATION TOOLS**

Hawke moved and Pizzino seconded a motion that we hereby adopt and authorize the placement of the Board President's signature upon the attached Contract with Howell Rescue Systems for the purchase of the attached described extrication tools in the amount of \$10,995.00. **3-0 yes**

Fiscal Office

ATTACHMENT 12/10/19 E

Hawke moved and Pizzino seconded a motion to pay the bills in the amount of \$1,906,405.31. **3-0 yes**

ATTACHMENT 12/10/19 F

Hawke moved and Pizzino seconded a motion to approve the minutes of the November 21, 2019 Board of Trustees' meeting. **3-0 yes**

ATTACHMENT 12/10/19 G

Hawke moved and Walters seconded a motion to approve the monthly financial reports for November 2019. **3-0 yes**

**RESOLUTION 19-289, ATTACHED
HIGHWAY DEPARTMENT CAPITAL PROJECTS FUND #317**

Hawke moved and Walters seconded a motion that, pursuant to attached ORC Section 5705.13(C), we hereby amend attached Resolution No. 19-177, effective December 10, 2019, to now read as follows:

1. Establish a Capital Projects Reserve Balance Account, Fund #317, for the purpose of accumulating resources for the acquisition, construction or improvement of fixed assets for Highway Department services through the performance of the projects described in attached Exhibit A.

2. Authorize the transfer and/or receipt of monies set forth in Exhibit A totaling \$519,196.60 from Account 211.310.5959 to be deposited in a special fund named the Capital Projects Reserve Balance Account Fund #317 bringing the total deposits to \$3,450,313.37 which is the amount to

be accumulated in the Reserve Balance Account and which said amount shall be accumulated over a ten year period from the effective date of this Resolution and shall be established, maintained and monies therein to be invested by the Township Fiscal Officer.

3. Authorize the creation of the following new codes in the accounting system: Fund #317 – capital projects fund, Receipt #317.4990 – transfer in, Expense code #317.310.5387 – capital projects fund, highway cost center, road improvements object code and all expense codes on attached Exhibit A. **3-0 yes**

RESOLUTION 19-290, ATTACHED

FIRE LEVY FUND RESERVE BALANCE ACCOUNT #420

Hawke moved and Walters seconded a motion that pursuant to attached ORC Section 5705.13(A)(1), we hereby amend attached Resolution No. 18-242, effective December 10, 2019, to now read as follows:

1. Establish a Reserve Balance Account to accumulate currently available resources in the Fire Levy Fund for the purpose of stabilizing the Fire Department Budget against cyclical changes in revenues and expenditures as described in Exhibit A.

2. Authorize the transfer of monies set forth in Exhibit A totaling \$121,190.00 from the Fire District Levy Fund, 210.210.5967 to be deposited in the Fire District Levy Fund Reserve Balance Account #420.

3. Authorize the establishment of the following new codes in the accounting system: Fund #420 – Fire Reserve Balance Fund, Receipt #420.000.4990 transfers in from Fire Fund, and Expense code #420.210.5951 – Fire Reserve Balance fund, Fire operations cost center, transfer to #210 Fire fund object code. **3-0 yes**

RESOLUTION 19-291, ATTACHED

FIRE DEPARTMENT ACCUMULATED BENEFITS #293

Hawke moved and Walters seconded a motion that, pursuant to attached ORC Section 5705.13(B), we hereby amend attached Resolution Number 18-243, effective December 10, 2019, as follows:

1. Establish a Fire Department 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 \$100,000.00 from Account 210.210.5962 to be deposited in a special sub fund named the Fire Department Special Revenue Fund #293, and can be supplemented if subsequently determined by the Board of Trustees and shall be established and maintained by the Township Fiscal Officer.

3. Authorize the creation of the following new codes in the accounting system: Fund #293 – Fire Special Revenue Fund, #293.000.4990 transfers in from Fire Fund, expense code

#293.210.5140 – Fire Special Revenue Fund, Fire operations cost center, severance pay object code. **3-0 yes**

**RESOLUTION 19-292, ATTACHED
FIRE FUND CAPITAL PROJECTS FUND #328**

Hawke moved and Walters seconded a motion that, pursuant to attached ORC Section 5705.13(C), we hereby amend attached Resolution No. 18-244, effective December 10, 2019, to now read as follows:

1. Establish a Capital Projects Reserve Balance Account, Fund #328, for the purpose of accumulating resources for the acquisition, construction or improvement of fixed assets for Fire Department services through the performance of the projects described in attached amended Exhibit A.

2. Authorize the transfer and/or receipt of monies set forth in amended Exhibit A totaling \$100,000.00 from Account 210.210.5958 and \$757,211.00 from Account 228.210.5958 to be deposited in a special fund named the Capital Projects Reserve Balance Account Fund #328 bringing the total deposits to \$4,304,929.56 which is the amount to be accumulated in the Reserve Balance Account and which said amount shall be accumulated over a ten year period from the effective date of this Resolution and shall be established, maintained and monies therein to be invested by the Township Fiscal Officer.

3. Authorize the creation of the following new codes in the accounting system: Fund #328 – fire capital projects fund, Receipt #328.4990 – transfer in, Expense code #328.210.5660 – capital projects fund, fire cost center, ambulance/trucks object code, and #328.210.5658 – capital fire equipment object code. **3-0 yes**

**RESOLUTION 19-293, ATTACHED
POLICE DEPARTMENT CAPITAL PROJECTS FUND #315**

Hawke moved and Walters seconded a motion that, pursuant to attached ORC Section 5705.13(C), we hereby amend attached Resolution No. 18-245, effective December 10, 2019, to now read as follows:

1. Establish a Capital Projects Fund #315, for the purpose of accumulating resources for the acquisition, construction or improvement of fixed assets for Police Department services through the acquisition of Police Department cruisers as described in attached Exhibit A.

2. Authorize the transfer of monies set forth in Exhibit A totaling \$147,108.00 from Account 209.250.5965 to be deposited in a special fund named the Capital Projects Account Fund #315, bringing the total deposits to \$3,266,718.77, which is the amount to be accumulated in the Capital Projects Account and which said amount shall be accumulated over a ten year period from the effective date of this Resolution and shall be established, maintained and monies therein to be invested by the Township Fiscal Officer.

3. Authorize the creation of the following new codes in the accounting system: Fund #315 – Police capital projects fund, Receipt #315.000.4990 – transfer in, Expense code #315.250.5652 – capital projects fund, Police cost center, equipment object code. **3-0 yes**

RESOLUTION 19-294, ATTACHED

POLICE DEPARTMENT ACCUMULATED BENEFITS #295

Hawke moved and Walters seconded a motion that, pursuant to attached ORC Section 5705.13(B), we hereby amend attached Resolution Number 18-246, effective December 10, 2019, as follows:

1. Establish a Police Department 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 \$100,000.00 from Account 209.250.5964 to be deposited in a special sub fund named the Police Department Special Revenue Fund #295, and can be supplemented if subsequently determined by the Board of Trustees and shall be established and maintained by the Township Fiscal Officer.

3. Authorize the creation of the following new codes in the accounting system: Fund #295 – Police Special Revenue Fund, #295.000.4990 transfers in from Police Fund, expense code #295.250.5140 – Police Special Revenue Fund, Police operations cost center, severance pay object code. **3-0 yes**

RESOLUTION 19-295, ATTACHED

PARK FUND CAPITAL PROJECTS FUND #316

Hawke moved and Walters seconded a motion that, pursuant to attached ORC Section 5705.13(C), we hereby amend attached Resolution No. 18-248, effective December 10, 2019, to now read as follows:

1. Establish a Capital Projects Reserve Balance Account, Fund #316, for the purpose of accumulating resources for the acquisition, construction or improvement of fixed assets for Park Division services as described in attached amended Exhibit A.

2. Authorize the transfer and/or receipt of monies set forth in amended Exhibit A totaling \$25,000.00 from Account 214.510.5966 to be deposited in a special fund named the Capital Projects Reserve Balance Account Fund #316 bringing the total deposits to \$641,031.97 which is the amount to be accumulated in the Reserve Balance Account and which said amount shall be accumulated over a ten year period from the effective date of this Resolution and shall be established, maintained and monies therein to be invested by the Township Fiscal Officer.

3. Authorize the creation of the following new codes in the accounting system: Fund #316 – park capital projects fund, Receipt #316.4990 – transfer in, Expense code #316.510.5762 – capital projects fund, park cost center, park projects, and improvements object code. **3-0 yes**

Routine Business

Announcements

- Next regular Board of Trustees' meeting, December 19, 2019, 4:00 p.m., Executive Session and/or Work Session; 5:00 p.m., General Session, Township Hall.
- LOGIC, January 16, 2020, 9:00 a.m., Safety Center Chiefs' Conference Room.
- CIC, January 23, 2020, 8:00 a.m., Township Hall.
- Zoning Meetings:
 - Board of Zoning Appeals, January 9, 2020, 5:00 p.m., Jackson Township Hall.
 - Zoning Commission, none scheduled.
- Santa's Mailbox, December 1 – 15, 2019, located at front entrance of Township Administrative Building.

Old Business – None

New Business

RESOLUTION 19-296, ATTACHED

PUBLIC WORKS DIRECTOR

Hawke moved and Pizzino seconded a motion pursuant to the Township's Hiring Policy, ORC Sections 5571.02(C) and 511.10, Richard R. Rohn III is hereby appointed as full time Public Works Director for the Jackson Township Public Works Department, effective January 2, 2020, with a two year probationary period, who shall receive an annual salary of \$77,500.00 (\$37.2597 per hour) and the benefits of a Class A employee as described in the Benefit Package for Management Personnel, contingent upon successful completion of a background check and any other requirements. **3-0 yes**

RESOLUTION 19-297, ATTACHED

PUBLIC WORKS CLERICAL ASSISTANT

Hawke moved and Pizzino seconded a motion pursuant to the Township's Hiring Policy and ORC Section 511.10, Michelle A. Moore is hereby appointed as full time Public Works Clerical Assistant for the Jackson Township Public Works Department, effective January 2, 2020, with a two year probationary period, who shall receive an annual salary of \$42,036.80 (\$20.2100 per hour) and the benefits of a Class C employees as described in the Benefit Package for Management Personnel, contingent upon successful completion of a background check and any other requirements. **3-0 yes**

Public Speaks – Open Forum

No one came forward.

Zoning & Planning Department

ATTACHMENT 12/10/19 H

Proposed re-zone of property – Zoning Amendment 642-19: Christopher Maggiore, 488 Nobles Pond Dr. NW, Canton, Ohio 44718 agent for Roy S. Ormsbee, property owner, 69576 Brookhill, Remeo, MI 48065 propose to rezone B-1 Suburban Office & Limited Business District to B-2 Neighborhood Business District approx., 1.69 acres located at 4525 Everhard Rd. NW, Sect. 24NW, Jackson Twp.

Poindexter gave a summary of the zoning request to the Trustees. She said it went to the Zoning Commission on November 14 and it was recommended for approval for the rezone.

Hawke opened the hearing and asked if anyone wanted to speak in favor of the rezone.

Sean Sanford, 4607 Cleveland Ave. NW, Canton, Ohio, with NAI Spring said he is here on behalf of Chris Maggiore. He said they are requesting the rezone to allow up to a 7500 square foot building to be built on the property. He said the zoning commission unanimously approved the request. He said it would benefit the township by redeveloping the property which is becoming an eyesore and is increasing tax revenue.

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

He asked if anyone wanted to speak against the rezone. No one came forward. He then closed that portion of the hearing.

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

Hawke	yes
Walters	yes
Pizzino	yes

ATTACHMENT 12/10/19 I

Proposed re-zone of property Zoning Amendment 641-19: DeVille Enterprises LLC & DeVille Hills & Dales LLC property owner, 4811 Whipple NW, Suite 101, Canton, Ohio 44718 proposes to rezone R-R Rural Residential District to R-3 Residential Planned Unit Development District, approx. 39.119 acres, parcel #1607196, 1601352, 1601353, & 1601354 located at and near the SW corner of Hills & Dales and Brunnerdale, Sect. 35 NW, Jackson Township.

Poindexter told the Trustees that this went to the Zoning Commission on November 14 and they did recommend approval.

Hawke opened the hearing and asked the applicant if he would like to speak.

See court recorders transcript.

Donald DeVille spoke as the applicant.

Those who spoke against the rezone:

Todd Hall, 3330 Dellwood

Joe Demangeont, 6853 Heather

Craig Parrish, 6853 Thicket

Launa Buettell, 4450 Brunnerdale

Richard Stockton, 8811 Camden Rd.

Chuck Bruce, 5885 Heather

Susan Sigman, 3178 Trillium

Kim Vincent, 3389 Waterford

Peter McDaniel, 3495 Deer Trace

Joe Demangeont, 5956 Heather

A question and answer period was held.

Hawke moved and Walters seconded a motion that the Board of Trustees' meeting scheduled on December 19, 2019 shall be cancelled and rescheduled to December 23, 2019 at 4:00 p.m., Executive Session, 5:00 p.m., General Session.

Hawke **yes**

Walters **yes**

Pizzino **yes**

Hawke moved and Pizzino seconded a motion to close the public portion of the hearing.

Hawke **yes**

Walters **yes**

Pizzino **yes**

Hawke moved and Walters seconded a motion to adjourn.

3-0 yes

Todd Hawke

Randy Gonzalez

BEFORE THE JACKSON TOWNSHIP TRUSTEES

JACKSON TOWNSHIP, OHIO
AMENDMENT NUMBER 641-19

TRUSTEE MEETING

The following Jackson Township Trustee Meeting was taken before me, the undersigned, Deanna Gleckler, a Registered Professional Reporter, Certified Realtime Reporter and Notary Public in and for the State of Ohio, at the Jackson Township Offices, 5735 wales Avenue, N.W., Massillon, Ohio, on Thursday, the 10th day of December 2019, at 5:45 p.m.

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MR. HAWKE: We're going to keep it on time, so it is 5:45 and we'll go ahead and open the hearing for the next rezoning request.
Ms. Poindexter.

MS. POINDEXTER: Okay. Again, this is to rezone property, amendment 641-19. Deville Enterprises, LLC and Hills & Dales, LLC, property owner, 4811 Whipple, N.W., Suite 101, Canton, Ohio, proposes to rezone RR rural residential district to R-3 planned unit development district. Approximately 39.119 acres more or less, located along the northwest corner of Hills & Dales and Brunnerdale, consisting of parcels 16-07196, 16-01352, 16-01353 and 16-01354. This went to the Zoning Commission on November 14th and the Zoning Commission did recommend approval.

MR. HAWKE: So with that, we'll go straight to the presentation from the applicant. If you want to come on up. Again, name, address for the record, and clearly, concisely to the microphone for the court reporter, please. Thank you.

MR. DEVILLE: Thank you. My name is Donald Deville, owner/manager of Deville Apartments - I'm

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APPEARANCES:

BOARD OF TRUSTEES

TODD HAWKE - PRESIDENT
JOHN E. PIZZINO - VICE PRESIDENT
JAMES WALTERS

ALSO PRESENT

RANDALL GONZALEZ - FISCAL OFFICER
MICHAEL VACCARO - LAW DIRECTOR
JONI POINDEXTER - ZONING INSPECTOR
CHIEF MARK BRINK
RALPH BOGER - PUBLIC WORKS DIRECTOR
TRACY HOGUE - FIRE CHIEF

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sorry - Deville Enterprises, LLC and Deville Hills & Dales, LLC, 4811 Whipple Avenue, N.W., Suite 101, Canton, Ohio, 44718. And I will be presenting this map amendment request before you this evening, along with some of my associates, who I'll announce later.

In starting the meeting, we have a couple amendments to present that we'd like to make for the record this evening, and I'll go through these. How many do you need up there, Ms. Poindexter? I've got as many as you need.

MS. POINDEXTER: They need four and then I will take one.

MR. DEVILLE: Okay.

MS. POINDEXTER: Thank you. Don, could you give the court reporter one also, please.

MR. DEVILLE: Sure. So the amendments that I just handed to you are actually highlighted up top, the first Exhibit being E1, which is to replace the E1 Exhibit that you had prior to this hearing. The reason for that is more so clarity in what we're presenting this evening, along with four other -- five other, not amendments, but there's one on page E1, or Exhibit E1, which is on page 1. They're all highlighted. I'll notify you of those

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1 as they come up which one is being amended or added
2 as far as exhibits.

3 I'd like to start off in maybe apologizing
4 a little bit for what came out of some subsequent
5 hearings - not hearings - but meetings and
6 discussions with residents and agencies throughout
7 the Township in the lack of clarity that we had
8 perceived going into this meeting with some of
9 these attachments and the presentation itself, and
10 that's the reason for these additional attachments.

11 I'd like to start by introducing the
12 associates that are with me, which are John Walsh,
13 professional engineer, professional surveyor, and
14 principal of the GBC Design Group. He's in charge
15 of all the engineering and architectural drawings
16 that are being presented to you this evening.
17 Michael Gruber, Attorney at Law, principal of
18 Gruber, Thomas & Company, Jim Camp with Cutler Real
19 Estate, principal of Cutler Real Estate, and my son
20 Nicholas Deville, project manager of new
21 development and acquisitions.

22 By means of this map amendment process,
23 most notably, prior to and/or I should say during
24 and subsequent to the Zoning Commission meeting we
25 sought out and received significant feedback from

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1 Agency, the United States Army Corps of Engineers,
2 OSHA, the Occupational Safety & Health
3 Administration, Brookside Country Club, and our
4 team of engineers, architects and designers, and
5 legal counsel, et cetera. I must say that all
6 these individuals and groups quite honestly have
7 been very helpful to us in understanding some of
8 the issues that they have. They've been very
9 informed of and very willing to listen.

10 As a result of that aforementioned feedback
11 from the above groups and agencies, and subsequent
12 to that Zoning Commission, we recognize there has
13 been considerable concern expressed that additional
14 housing could be added to what we're proposing as
15 the 69 single family homes. Although that general
16 development plan is before you, and the required
17 condominium association both strictly prohibit
18 expansion or addition of homes in the proposed
19 development, we are again understanding of that
20 concern. Therefore, we are further amending our
21 plan to include -- Nick, G1 there, can you zoom in
22 on that a little bit on that. If you notice the
23 green shaded area off to the right of your screen -
24 Nick, would you kind of hover the mouse over that -
25 it actually abuts the property to the south,

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1 residents, agencies and organizations throughout
2 the Township. As a result of that feedback, what
3 we're presenting here this evening does have some
4 amendments to it, but we received a lot of very, I
5 think valuable information, as well as some I guess
6 questions in regards to the lack of clarity that I
7 pointed out beforehand. So what we want to do is
8 try to present those this evening and hopefully
9 clear those items up. It's also important to note
10 that throughout this process we, our team, has not
11 approached or sought any input from this Board, nor
12 has this Board sought any input from us.

13 The groups and/or agencies that we
14 contacted, received feedback from during and
15 subsequent to that Zoning Commission meeting are as
16 follows: Adjoining property owners, neighbors and
17 Jackson Township residents, the Jackson Township
18 Zoning Commission, after the meeting and during the
19 meeting, the Jackson Township Zoning Department,
20 Jackson Township Fire Department, Jackson Township
21 Street Department, Jackson Township Police
22 Department, Stark County Engineers Office, Stark
23 County Soil & Water Conservation District, Stark
24 County Building Department, the Ohio Department of
25 Transportation, the Ohio Environmental Protection

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1 Springdale Allotment, wraps all the way around to
2 the east and then comes up and abuts onto Hills &
3 Dales.

4 This amendment amounts to, or that
5 particular area of ground, amounts to 14.05 acres.
6 We are proposing this evening and amending our plan
7 to create that as a classification in the Jackson
8 Township Zoning regulations as an open space
9 district. This is in conjunction with what will be
10 presented this evening as the original R-3 PUD,
11 still configured the same way it was in the prior
12 application.

13 Nick, if you could go to that G5, page 43.
14 I'm not sure if I have that in front of me, but I
15 think I do. This is actually the definition for
16 the purpose of section 401.1 being the open space
17 district, and I'll read this verbatim from the
18 Jackson Township Zoning Book. In quotes, To
19 provide open space and community parks for Jackson
20 Township residents, offering a broad range of
21 recreation, scenic, economic and ecological
22 benefits. This district is established for the
23 purpose of protecting and preserving the values of
24 distinctive geologic, topographic, botanic,
25 historic, recreational and scenic areas.

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1 Protection of the ecological balances of these
 2 areas and conservation of natural environmental
 3 resources such as water ways and tracts of forest
 4 land is desired by this district. That's what
 5 we're proposing in the -- if you can flip back
 6 again to G1, just so everybody's clear on the area
 7 there. Is there any question? And we'll bring up
 8 other exhibits throughout, but, again, it wraps
 9 around the southern, eastern and a portion of the
 10 northern boundary, basically encompassing a lot of
 11 the wetlands, Sippo Creek, or a portion of Sippo
 12 Creek, and the flood zone area.

13 Now, one little tract of land there that
 14 I'll point out that is not ours is a little upside
 15 down L shape, a little parcel there. That is
 16 actually owned by Stark County Commissioners. We
 17 do not own that. Obviously our property
 18 encompasses all the way around that and that's
 19 basically landlocked.

20 MR. GONZALEZ: Here's a pointer for the
 21 screen.

22 MR. DEVILLE: Well, actually, I can't --

23 MR. GONZALEZ: On that screen there's a red
 24 laser.

25 MR. DEVILLE: Oh, you've got a laser.

1 which is architectural uses, I can't read that, in
 2 conjunction with, whatever that says, but that's
 3 architectural --

4 MR. GONZALEZ: Agricultural.

5 MS. POINDEXTER: Agricultural.

6 MR. DEVILLE: Agricultural - I'm sorry -
 7 uses. The next one is temporary recreational
 8 events, fairs and festivals. So that can say that,
 9 and this is true in any zoning district in Jackson
 10 Township, those are permitted. It's not just the
 11 open space district. Those are permitted in any
 12 district. However, our, which I'll get to a little
 13 later on in the presentation, our condominium
 14 documents are going to prohibit that. So in other
 15 words, we can't have festivals, fairs on our
 16 property that's going to be owned by, in essence,
 17 the homeowners in that association.

18 And then back to G2 this time, Nick. These
 19 are going to be a little tough to see, but these
 20 are all the changes circled in red here in the
 21 green section that are affected by the
 22 incorporation of the open space district versus the
 23 way it was before when it was all R-3 PUD, and I
 24 can't read those measurements, whatever they are
 25 there, Nick, but I think, is that what that is?

1 MR. GONZALEZ: Yeah.

2 MR. DEVILLE: Okay. Great. I brought one
 3 of these, but I didn't think it would work up
 4 there. There you go. Great. So, again, it's
 5 wrapping all the way around here, up to there, all
 6 the way to that property line and that's the little
 7 parcel there that I'm referring to that we do not
 8 own, that's owned by Stark County. I have
 9 contacted Stark County. There's really no, there's
 10 no great benefit for us to have it or there's no
 11 great benefit for them to dispose of it, but we're
 12 in discussions with them. If that ever happens, it
 13 has to go through an auction process, but for now
 14 that's not ours. And the other two areas that kind
 15 of are, you know, in that same kind of, not
 16 configuration, but this parcel right there, we do
 17 not own. That is again somewhat landlocked. This
 18 parcel here is obviously on Brunnerdale and fronts
 19 on Brunnerdale, that's a single family home here.
 20 This is a vacant parcel right there.

21 Now, if you can, Nick, flip to page 46, G5.
 22 This lists out -- this is the section that calls
 23 out what is permitted in the open space district in
 24 the way of buildings or facilities. As you can
 25 see, nothing until you get down to right there,

1 Can you zoom in there, Nick? Yeah. That's the 25
 2 foot. That's a good thing to point out here. With
 3 the zoning district being open space as proposed,
 4 now all the setback lines within the R-3, which is
 5 the other section over here in this section, all
 6 the zoning lines now go to this open space district
 7 line. In other words, they used to be over here,
 8 but since we're creating a new district here, or
 9 proposing to create a new district, now the zoning
 10 lines move up. So that's a 25 foot setback that's
 11 required from the open space district to any
 12 building that I might have. We actually have, and
 13 this is 107 feet, if I'm reading that right, from
 14 this building to that line, and then if we go
 15 around there, that's just again the proposed zoning
 16 line that changed. That's all these circles are
 17 are changes, red circles, again, the proposed open
 18 space zoning. There again, this is 25 foot
 19 setback. Here again is whatever that number is,
 20 200 and some odd feet to the open space district
 21 line. And then if you go down there, Nick, there
 22 again, that's just the proposed zoning line, this
 23 is another open space designation and there again
 24 the 25 foot setback.

25 So that in essence, if you can zoom back

1 up, that in essence prohibits any building, any
 2 building at all, any structure from being built
 3 within there except for those permitted, which as
 4 we just read through, there aren't any, with the
 5 exception of, although go back to G5, please.
 6 Yeah, right there. Public service facilities,
 7 that's utility lines, gas lines, water lines,
 8 whatever, public maintenance facilities. Obviously
 9 we're not going to have any public maintenance
 10 facilities there. Those are the only buildings or
 11 facilities that can be put in that open space
 12 district if in fact this is approved.

13 we feel that by incorporating these 14.05
 14 acres of this map amendment request virtually
 15 insures in perpetuity that no additional homes will
 16 be built on this development other than the 69
 17 proposed.

18 Now, if you go back to G1 again, Nick. The
 19 following are now factors for approving what is the
 20 amended R-3 PUD district which encompasses all the
 21 other ground except for the open space, which
 22 amounts to 25.07 acres. So if you'll recall, we
 23 had 39.12 acres, less the 14.05 of open space, now
 24 leaves 25.07 acres of what's being requested as a
 25 zone change to a R-3 PUD.

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1 PUD and open space district classifications. This
 2 proposed R-3 PUD requires general development plans
 3 specific approval per Jackson Township zoning. In
 4 fact, regulation 801.10. The general development
 5 plan again allows for 69 attached single family
 6 ranch and two-story style homes. Therefore, only
 7 69 single family homes can be built. We are bound
 8 by that. All aspects of this general development
 9 plan meet or in most cases far exceed the
 10 requirements as set out by Jackson Township Zoning
 11 as well as the other governing agency regulations
 12 pertinent to this plan.

13 Now we're on G4. I took a lot of time
 14 coloring this in, so bear with me. It's going to
 15 be a little difficult to see, Nick. Maybe if you
 16 can zoom in, you know, a little further to get just
 17 the chart. Okay. Yeah, there. So the very first
 18 category, and let me get my graphic on that, so I
 19 can read off the aid to be sure. So I'm going to
 20 read these off, and you can kind of point to them,
 21 Nick, as we go.

22 So the very first, in the legend off to the
 23 left there, the very first is the total acreage,
 24 which amounts to 39.12. That encompasses all those
 25 colors on the plan and down that line of the

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1 The development Hawk's Nest Crossing
 2 condominiums has been specifically designed to
 3 incorporate single family condominiums comprised in
 4 six two-unit buildings, which are the buildings in
 5 blue, those are the six two-unit buildings, and the
 6 balance of nineteen three-unit buildings, which are
 7 all those other ones that are just outlined in
 8 white, or based in white, and those are all within
 9 that 25.07 acres of R-3 PUD map amendment request.
 10 All development engineering, architectural building
 11 plans and as they all relate to roadways, storm
 12 water management, ingress and egress, regulated
 13 wetlands, building construction, et cetera,
 14 requires specific approval and permits from the
 15 respective Township, County, State or Federal
 16 Governing Agencies. These regulations and the
 17 approval permitting the construction process as
 18 they stipulate bind us to adherence of this general
 19 development plan. What is proposed is what is
 20 being built. We are bound by those restrictions.

21 All of the R-3 PUD restrictions, as well as
 22 the open space district restriction and their
 23 accompanied exhibits, which I'll be presenting to
 24 you here this evening further, are in specific
 25 compliance with Jackson Township Zoning and its R-3

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1 legend, which goes down a couple more there, I
 2 think, just go down a little bit. Yeah, two more
 3 down there. So all those colors, all the different
 4 beautiful colors that I put in there, are all
 5 encompassing of the 39.12 acres. Of the green
 6 area, which is the open space district again, as I
 7 stated before, that is 14.05 acres of open space
 8 that prohibits any building. The next area or the
 9 next area on the legend is this brown, which is
 10 unsuitable soils. That's up in here and runs down
 11 to there. Those are, through soil borings and
 12 testing, those are unsuitable soils for
 13 development, not to mention the fact that we have,
 14 and it's kind of hidden behind there, we have one
 15 of our retention basins located in those unsuitable
 16 soils, which is, very honestly, a perfect place for
 17 that. Those retention basins I'll get into later.
 18 That's only one of them. There's another one on
 19 the southern edge of the property.

20 The next section is the wetlands area,
 21 which is here in the kind of purplish color. Now,
 22 keep in mind that some of the wetlands are covered
 23 up by the open space, but I did overlap percentages
 24 of calculations, so that's the area of wetlands
 25 that is outside the open space district. That

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1 amounts to 1.84 acres. Next is the easements,
 2 which is yellow. And keep in mind, all these
 3 colors that I'm calling out and all the
 4 distinctions that I'm calling out cannot be built
 5 on. Such as the easements, I cannot build on those
 6 easements. I cannot build in the flood zone, I
 7 cannot build in the open space district. So that
 8 yellow, which is a gas line easement running down
 9 through there, and then there's a sanitary and
 10 storm sewer easement that runs along this section
 11 of the property. Again, those cover lines cannot
 12 overlap with one another. So the total acreage
 13 you'll find, again, totals up to that 39.12.

14 The next is right-of-ways. Scroll down
 15 just a little bit. We have a right-of-way along
 16 Hills & Dales and a right-of-way along Brunnerdale
 17 fronting our property in those two areas. That
 18 again is unbuildable. That's a right-of-way for
 19 the street that, again, just can't be built upon.
 20 That amounts to .89 acres. The proposed building
 21 and roadway coverage, that includes all the
 22 buildings that you see here and the roadways that
 23 you're seeing, which are being built upon because
 24 that's the actual designation of those and
 25 calculation of those areas. That amounts to 5.42

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1 tract there is, again, it's open. However, that
 2 sits down approximately 8 and a half feet below
 3 Brunnerdale. There's no way to get access to that
 4 coming off of this road, nor would it be
 5 permissible through Stark County Engineering to
 6 have another access driveway into that development.
 7 That means in the total of all those little white
 8 areas amounts to 1.92 acres. That acreage, again,
 9 cannot be developed.

10 In summary, although the 1.92 acres remains
 11 outside the restrictions, as I pointed out here,
 12 there is virtually no acreage that will facilitate
 13 the allowance for future development, I'll call
 14 them Hawk's Nest Crossing. And that's probably one
 15 of the things, this pictorial of this, is one of
 16 the things that came out of my meetings with some
 17 of the adjoining residents and some of the other
 18 agencies, although I felt and we felt that it was
 19 clear in the past, or it was probably clear to me
 20 because I'm so detail oriented on this, that these
 21 are all the same calculations and numbers that we
 22 showed before and I knew nothing else could be
 23 built, but it wasn't clear to everybody else and I
 24 guess I understand that. That's the main reason
 25 for this graphic and that additional exhibit that's

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1 acres, which hasn't changed from the prior plan.

2 The next item in blue is all the setback
 3 restrictions. We have to maintain all the
 4 restrictions from the street, we have to maintain
 5 restrictions between buildings of 30 feet, at least
 6 30 feet behind the buildings, because there can be
 7 no building within 30 feet of one another. So all
 8 the blue area as you're seeing here is restricted
 9 from being built upon any time in the future
 10 because those are regulations for Jackson Township
 11 zoning. That amounts to 9.99 acres.

12 The last draft is these little areas that
 13 are outlined in red. This is a very prominent
 14 graph. Those are the only areas that are left
 15 unbuild upon in this entire development that could
 16 have any potential to be built upon. However,
 17 there's no way to get to any of these locations,
 18 nor is it even suitable to put a building there
 19 because we can't extend a road back, there's not
 20 enough room in there to put another building. Same
 21 thing there, there's not a difference between a
 22 northern line and a southern line to fit one of our
 23 buildings. There's no room there. These areas are
 24 just simply, they're too skinny and narrow and
 25 nothing can be built there. Same thing here. That

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1 presented to you. And, again, this virtually
 2 illustrates that there can be no additional homes
 3 built in Hawk's Nest Crossing other than the 69
 4 proposed.

5 P1 and P2, Nick, are the elevation floor
 6 plan, you can just leave those up and scroll
 7 through them if you want. These 69 homes will be
 8 comprised of floor plans from 1600 to over 1900
 9 square feet, all with open floor plans, first floor
 10 bath and bedroom suites, first floor laundry rooms,
 11 and incorporating many state of the art
 12 technologies, materials and green features,
 13 targeted at a price point of starting at the mid
 14 250s, or the mid 200s I should say. Hawk's Nest
 15 Crossing will begin to fill the 55 plus Baby
 16 Boomer/Empty Nester market needs that call for less
 17 square footage, ranch-style villas and maintenance
 18 free living, which is exactly what we're proposing.
 19 Our analysis also demonstrate that these Baby
 20 Boomers and Empty Nesters are moving towards or at
 21 retirement age and simply they do not require or
 22 desire the larger traditional style homes that they
 23 now reside in.

24 Exhibit H1. Again, this is the proposed
 25 concept landscape plan which, again, shows the open

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1 space district around there, and although this is
 2 the proposed landscape plan, the main premise for
 3 the submittal of this is the requirement of buffer
 4 zones, which we've added here, we've added down
 5 here and we've added across the top. That is not
 6 to say that this is the final landscape plan.
 7 There's going to be more landscaping trees planted
 8 in the front of every one of these buildings, on
 9 the sides of every one of these buildings, except
 10 for in the easements, so that that's not a final
 11 landscape plan, it's a concept plan, but it gives
 12 you an overall view of what that plan is. All the
 13 darker green areas are either wooded or forested.
 14 The light green areas are going to represent, you
 15 know, a grassy area and/or additional shrubbery and
 16 trees within those areas. All the landscaping
 17 around the buildings is going to be part of this
 18 plan too, but obviously that kind of detail is not
 19 shown on this concept plan.

20 The projected end market value of this
 21 development is estimated at approximately \$21
 22 million. That represents value to our community in
 23 home ownership, residency, merchants, tax base, job
 24 growth and most importantly, I think, the support
 25 of our school systems, et cetera. There's many

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1 purchase one of these condominiums. It's not
 2 something that they can change overnight, even if
 3 they wanted to change it. That process would be
 4 there would have to be 100% consent of those
 5 homeowners that would have to present a change to
 6 this body to submit a request to add a building,
 7 change a building, concept style, whatever else,
 8 that would all come under the purview of this Board
 9 and is subject to public discussion, public debate
 10 and public criticism. That just is totally counter
 11 intuitive of what the reason is that a
 12 condominium/homeowners association would be set up
 13 for. And it goes against the whole concept of it,
 14 the homeowner's concept. In other words, every
 15 homeowner in there is going to want to abide by
 16 those regulations because it protects them. It
 17 protects the value of their property to not allow
 18 any of those things to happen. And again, that
 19 condominium association documents are required as
 20 part of this -- for part of this development to
 21 proceed.

22 The proposed condo association is by
 23 design - again, I mentioned this before - more
 24 restrictive than Jackson Township Zoning
 25 Regulations and our condominium docs will prohibit

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1 other benefits as well.

2 G8, Nick. Oh, you got it up. This is the
 3 description in the Jackson Township Zoning
 4 Regulation Book, section page 401.17 at page 63,
 5 and I quote, Ownership and Maintenance of Common
 6 Open Space. That's the title. Legal instruments
 7 setting forth the ownership of the required common
 8 open space providing for the perpetual maintenance
 9 of the common open space by a homeowners
 10 association, condominium association or the
 11 developer shall be submitted to the Jackson
 12 Township Law Director for review and approval. The
 13 condominium/homeowners association is required for
 14 this development, end quote.

15 Exhibit H1. Oh, that is it. The
 16 condominium/homeowners association or condominium
 17 unit owners association requires, or requirement,
 18 adds another level of protection, again, insuring
 19 in perpetuity, insures in perpetuity only 69 single
 20 family homes can be constructed. In other words,
 21 the condominium association is in many ways more
 22 restrictive than Jackson Township Zoning. We
 23 developed those condominium requirements. We
 24 submit those. Those have to be recorded. Those
 25 are part of every homeowners documents when they

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1 such items as unauthorized use of that open space.
 2 There will not be permitted mobile homes, boats or
 3 trailers on the roadways or in driveways because of
 4 the restrictions that we'll have in there, and also
 5 guarantees the maintenance of the grounds and the
 6 areas around the grounds so that that just can't be
 7 hampered by that. And in addition to that, because
 8 this is private streets, a private development, all
 9 the roads within this development are maintained by
 10 the association, including this service drive, and
 11 that does not in any way hamper Jackson Township
 12 funding or services relative to this development.
 13 It's a private street development.

14 G2. This goes back to the same drawing
 15 where we, and I won't go through all these, but if
 16 you could zoom in a little bit, Nick, maybe
 17 starting up at the road over on Brunnerdale. This,
 18 again, I circled all the things that changed. Very
 19 honestly, a couple of these changes came out of the
 20 Zoning Commission meeting, where a member of that
 21 meeting suggested that these buildings could be set
 22 back a little further. We actually did that. They
 23 were set at, I forget what it was before, but I
 24 think it was 41 feet, if I recall. Now they're at,
 25 what is that, Nick?

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NICHOLAS DEVILLE: 58.

MR. DEVILLE: Now they're at 58. What we did was slide these two units down. We moved - this is a mail box station here; it was on this side of the street - we moved it from this side to that side, so these buildings now to give us that 58 feet there. Did the same thing on this side of the street. We moved it back so that all these buildings down closer to the easement, therefore, we have a bit more room there, considerable more room from Brunnerdale to the first building. Where 40 feet is permitted, we're allowing for that 57, 58 feet. Going around, you can go through all of these, but I don't think that's necessary. All these numbers increased with this setback, setbacks here didn't increase, but they did, if you look at the relationship of this building to the new zoning, open space zoning.

Also just scroll up a little bit, Nick. These three buildings here were also reconfigured. Still the same number of units. There was seven units before. There's still seven units however. Again, there was a recommendation out of the Zoning Commission meeting or a suggestion that these buildings were a little awkward the way they were

entrance to the proposed development will intersect Brunnerdale Avenue, N.W. 257 feet. So from there to there is 257 feet. North of Groton. This 257 foot distance exceeds Stark County Engineers distance required between intersections, and in a meeting with the Stark County Engineers subsequent to the Zoning Commission meeting and their Roadway Access Management Department, Stark County Engineers Roadway Access Management Department, their engineers agreed with our view of that 257 feet and they concurred that our findings were correct and within compliance.

Now, G1, also shows the emergency access roadway, that connects it at Trillium. There again, we've gone into great detail before, but I'll go into more detail tonight. That is emergency road, or emergency vehicle access only. There's a gate that's proposed right there, which we'll get to in a minute, that right now it's setting 25 feet back off of Trillium to that. That's setting back for two reasons. One, in the event Township roads are plowed on Trillium, we wanted to leave enough room here that if a plow needs to go there, which it probably won't, but if they do, they can push the snow off to the side one

placed. Very honestly, I agree. We went back to our designers and I said, Let's rework it, make it more palatable. That's what we did. We put this a little closer to the easement. It faces directly here, where before it was on the corner. This three-unit slid down a bit. This two-unit here was a bit on more of a 90 degree angle. So it's much more in line with the street alignment and the passage of traffic there. So those, again, were recommendations that came out of it. Here again, this measurement, I don't know how much it increased by, but it increased; both of those measurements did. And from there, all of the other ones are just simple measurements that, again, meet or exceed all the regulations that are stipulated in the R-3 PUD.

Next, there was a lot of discussion and debate relative to traffic on Brunnerdale. Just a lot of talk about traffic, which was all good. It all developed thoughts in our minds and things that were brought out that we tried to encompass here. The primary entrance drive down -- not primary. I'm sorry. The emergency egress drive. That's shown here again, and that will -- oh, I take that back. We are on the primary side. So the primary

way or the other so it won't block that gate. We are bound and responsible to maintain that road, both the construction of it and the maintenance of that road in perpetuity. Or the association is.

G2, is that the -- oh, okay. It's just really the same thing. So that access road is one of the first facets of development, and even though that road will be used for limited construction traffic, again, we have to build that road in accordance with Jackson Township Fire Department's regulations to carry a truck through that process. There's even height restrictions of I think 13.6 feet or .5 feet in height we have to remain clear. So we can't have trees overhanging that. There's a certain weight structure, which I think is in excess of 50 or 60,000 pounds. Am I correct?

FIRE CHIEF HOGUE: 68

MR. DEVILLE: 68,000 pounds, that we have to build this roadway to support their emergency vehicle. So they can gain access to that via a Knox box that will be placed on that gate, which is simply an access box that the safety services can gain access to that key and open up that gate.

G6 illustrates the proposed design of that gate. I can't say there's going to be stone

1 pillars there, but the gate is going to look
 2 similar to that. This driveway is actually not as
 3 wide as what's required. I believe that 20 feet is
 4 required. We originally proposed that that
 5 driveway was going to be in gravel. I haven't made
 6 a final -- we haven't made a final determination on
 7 this yet. I truly think that we're going to just
 8 asphalt that road because it's going to make it a
 9 lot easier for us to maintain throughout the winter
 10 seasons, or the association to maintain, to plow
 11 snow and everything else. Even though gravel is
 12 permitted - gravel is an approved type of structure
 13 that then support those vehicles if it's done in
 14 the right way - we're going to asphalt that road.
 15 Again, there's also required signage that will have
 16 to be posted probably on the side of this and
 17 periodically from the gate back to the cul-de-sac
 18 that's going to be posted according to Jackson
 19 Township Fire Department regulations that it
 20 stipulates this is an emergency access road.
 21 Nobody's allowed to park there beyond that, beyond
 22 those bounds of that. So that's what it's there
 23 for. That's the only access. Emergency access.
 24 I don't think you have to bring up the
 25 regulations, Nick. I think we kind of pretty well

INDEPENDENT REPORTING SERVICE
 (330) 332-DEPO (3376)

1 right-hand turn from a stop or crossing maneuver.
 2 480 feet, which is what that measurement is and
 3 passenger cars completing a left turn from a stop
 4 or a crossing maneuver, 555 feet. Those are the
 5 limits of it. That's not the requirement. Those
 6 are what we have. Requirements are actually less
 7 than that. Again, we met subsequent to the Zoning
 8 Commission meeting with the Stark County Engineers,
 9 both myself, my son, John was there, our engineers
 10 were there, and that was with Stark County
 11 Engineers and again, their Roadway Access
 12 Management Department and again, their engineers
 13 agreed with our view and findings on those meet or
 14 exceed those requirements.
 15 Exhibit K is a trip generation analysis
 16 performed by TMS Engineers, Inc. This illustrates
 17 that future traffic generated by the proposed
 18 development, which is 34 new trip cars, or new
 19 trips in peak a.m. hours and 42 new trips in peak
 20 p.m. hours is minimal and well within the
 21 allowances stipulated by Stark County Engineers and
 22 ODOT. Again, this was discussed in that same
 23 meeting with Stark County Engineers and the Roadway
 24 Access Management Department. They concurred with
 25 our findings that that meets or exceeds what we're

INDEPENDENT REPORTING SERVICE
 (330) 332-DEPO (3376)

1 thoroughly went over those.
 2 G3 is the next segment. This is a sample
 3 of a storm water pollution prevention plan sediment
 4 control fence. We are required to put this type of
 5 fencing around the downslope of the perimeter of
 6 the property to maintain that no sediment gets
 7 through that. So in other words, this was a
 8 construction site over here, then that fencing is
 9 kind of the darker colored fence there down below
 10 the orange, that is to prevent any water rush-off
 11 and sediment rush-off. It goes into that fence.
 12 It prevents it from going out onto streets, into
 13 streams, into forested wetlands or whatever area.
 14 That's a requirement, and we'll be putting that
 15 type of fencing up around those zones that require
 16 that. However, we are going to put that up in what
 17 we feel is the least restrictive way possible, by
 18 keeping it off of adjoining property lines as far
 19 as we can. At the same time, that's a requirement.
 20 Exhibit J. This is the sight distance
 21 data, this is a little tough to see, but that
 22 distance there is 480 feet. That is -- what's that
 23 one, Nick? 555 is the red. That is Stark County
 24 Engineers and ODOT's minimum sight distance
 25 standards for passenger cars completing a

INDEPENDENT REPORTING SERVICE
 (330) 332-DEPO (3376)

1 proposing.
 2 K1. This is a new exhibit in your packet
 3 there, although we talked about this before. This
 4 is a Stark County Area Transportation Study, SCATS,
 5 that was performed. The most recent was 4-20 of
 6 2019 at 9,998 cars per day on that road. And this
 7 is the area from Perry Drive going north to Hills &
 8 Dales Road. That actually has decreased over the
 9 past nine years from up at 16,000, whatever that
 10 is, 181 or 161 cars. So the traffic on Brunnerdale
 11 has actually decreased. Now, we're increasing it
 12 very minorly or so by those 70 or 75 cars per day,
 13 whatever I projected earlier. However, that again
 14 is well within reasonable assumptions of what
 15 traffic we're adding. And I think, very honestly,
 16 the reason for that traffic loss on Brunnerdale is
 17 because of the County and the Township's
 18 improvements on Hills & Dales, which I believe
 19 Hills & Dales is a County road, correct? All the
 20 improvements that have been made to Hills & Dales
 21 has taken relief off of Brunnerdale that are now
 22 it's going out on Hills & Dales, and that's been a
 23 vast improvement and it shows in these numbers.
 24 Back to G1 again, Nick. And again, based
 25 on the before mentioned feedback and concerns

INDEPENDENT REPORTING SERVICE
 (330) 332-DEPO (3376)

1 expressed by residents and some of the agencies
 2 we've talked with over the past month or so here,
 3 we understand that traffic is a concern on
 4 Brunnerdale. I understand that. I drive it every
 5 day. However, we have been in contact with Jackson
 6 Township Street Department and Stark County
 7 Engineers Office, and it is our understanding that
 8 Jackson Township, in cooperation with Stark County
 9 Engineers Office, has requested a traffic study be
 10 done on Brunnerdale and in fact, that study is
 11 complete and again, it's my opinion or our opinion
 12 that Jackson Township and Stark County are working
 13 together to get a report back from ODOT. This is
 14 all regulated by ODOT. The Township doesn't have
 15 any control over that and Stark County Engineers
 16 don't have any control over what ODOT says. Only
 17 ODOT has control over what ODOT says. So whatever
 18 their findings are is what will be stipulated
 19 through the process of due diligence on the
 20 Township part and the County part.

21 Now, that report was actually not mandated,
 22 but commissioned for by Stark County. And that
 23 was, I'm not sure how long ago that was, but I know
 24 they're working towards getting an answer out of
 25 ODOT. We don't know when that's going to be. I

INDEPENDENT REPORTING SERVICE
 (330) 332-DEPO (3376)

1 of you.

2 Now, in the Zoning Commission meeting it
 3 was suggested that the area that's being filled is
 4 approximately .5 acres. In fact, I actually stated
 5 that. I was questioned on that and it was pointed
 6 out that it was thought that that area was .6
 7 acres. Well, in fact, it's not .6, it's not .5;
 8 it's .247 acres is what needs filled, or what we're
 9 permitted to fill. The .6 acres is a determination
 10 that was as a result of what's considered
 11 mitigating wetlands. In other words, we have .247
 12 acres that we're permitted to fill. In order to do
 13 that, we have to mitigate and/or a more familiar
 14 name of that is pay for wetlands that are
 15 determined in another nationally recognized wetland
 16 bank. So what we do is, we're permitted to fill
 17 them, but we have to purchase a permit to mitigate
 18 that supposed damage by filling those and create
 19 those same wetlands in another wetland bank. An
 20 extremely lengthy and tenuous process, but that's
 21 what we have our permit for and that's what we're
 22 going to do.

23 Next is L3. The retention basins, a lot of
 24 discussion about those, their design, their
 25 concept, their ability to hold water. The

INDEPENDENT REPORTING SERVICE
 (330) 332-DEPO (3376)

1 don't think anybody knows when that's going to be.
 2 ODOT works at their own speed, which is a snail's
 3 pace, to say the least. So, anyway, that's a good
 4 thing I think that that study is being performed or
 5 has been performed and ODOT is reviewing that. So
 6 hopefully those results of that will help alleviate
 7 everybody's concern. Including ours.

8 Again, as a result of the before mentioned
 9 feedback from everybody, again, there's been a lot
 10 of concern expressed relative to wetlands,
 11 retention basins, flooding, water flow from Sippo
 12 Creek. Here's what we've determined and recommend
 13 for possible solutions over the coming months
 14 regarding those areas. One, the wetlands
 15 Delineation Map. This again depicts the wetlands
 16 that we have been permitted to build or have a
 17 permit for to build. And, Nick, if you'd just
 18 circle those, those small what's considered
 19 isolated wetlands, that one there is A, I think C,
 20 B and a couple of those other ones and going on
 21 down through. None of the area to the right with
 22 all the large areas, that's not permitted to be
 23 filled. We're not filling that. We're only
 24 filling, which is what we have the permit for, are
 25 the isolated wetlands that you see there in front

INDEPENDENT REPORTING SERVICE
 (330) 332-DEPO (3376)

1 retention basins all come under the purview of
 2 Stark Soil & Water Conservation District and,
 3 correct me if I'm wrong, John, Stark County
 4 Subdivision Engineers. These all have to be
 5 designed in respect to their standards. These
 6 retention basins are designed and required to
 7 retain 2, 5, 10, 25, 50 and 100 year post and pre
 8 storm events. That's right on that language there
 9 within the blue section. In other words, any water
 10 coming off our site goes into these two retention
 11 basins. This is a very similar design of what
 12 we're proposing and what we'll submit to the Stark
 13 County Engineers and Soil & Water Conservation
 14 District.

15 Any water coming off our site has to
 16 accumulate, will accumulate in there and it has to
 17 maintain the excessive levels of 100 year flood
 18 plain, which is a calculable event. And in
 19 addition to that, there's a safety factor, which
 20 the arrow is pointing to, of what's known as free
 21 board or storage. So we have an additional foot,
 22 and I'm not sure what the area is of that retention
 23 basin overall, but that's all calculated with an
 24 additional safety factor. Once it gets up to that
 25 factor and it would be in excess of a 100 year

INDEPENDENT REPORTING SERVICE
 (330) 332-DEPO (3376)

1 flood plain, then that little U shaped outlet there
2 is a -- yeah, that little U shape is an outlet for
3 the water to pick up over that and drain down
4 through.

5 Theory -- not theory, but the practicality
6 of this is that -- this is a wet basin as well, so
7 there's always going to be water in there. That
8 again always comes under the purview of Stark
9 County Soil & water District. They not only review
10 those plans, they approve them. They inspect the
11 construction and they annually inspect the
12 maintenance on those two facilities. That is a
13 requirement. They don't just approve it, walk away
14 and never look at it again.

15 The association is going to be responsible
16 for maintaining these beds, albeit the maintenance
17 is somewhat limited on a wet bed, but you've got to
18 keep the grasses down and trees from growing or
19 accumulation of debris in there, but that's all
20 inspected by Stark County.

21 The next, L4, is a proposed picture of a
22 fountain in what is now a retention basin. In
23 checking with Stark County Soil & water, they do
24 not require these fountains. However, Mr. Rohn
25 from Stark County Soil & water District recommended

1 that I've brought forth here this evening.

2 One thing I did forget is the Sippo Creek
3 data. The GIS map. I called on, and again,
4 through feedback from area residents and agencies,
5 I called on Stark County Engineers again, Stark
6 County Soil & water District Management and
7 Brookside Country Club. Can you bring up, Nick,
8 the kind of the screen, zoom in on that. Can you
9 bring up the screen that -- you can kind of see
10 there in blue and actually give us a little better
11 view of Springdale the other way. Yeah. So that's
12 Sippo Creek in the blue there. Now go all the way
13 up to Brunnerdale and zoom out a little bit. Even
14 more than that.

15 So there's our property right there.
16 There's an area that encompasses in this general
17 vicinity 3,000 acres of land and waterways that
18 drain into Sippo Creek at this very low point on
19 our property, very honestly, our property and the
20 contiguous properties on Dellwood. All those 3,000
21 acres drain into that creek and end up there. Now,
22 supposedly, they're supposed to run on down through
23 Sippo Creek and through Brookside, and that should
24 all be maintained and go from there. Our acreage
25 amounts to .1% of contribution to that 3,000 acres.

1 that those be put in to maintain algae growth, to
2 minimize algae growth and maintain fluent water
3 flow through the retention basin. We're not
4 required to do it, but in fact, we're going to do
5 that. We're going to put in these fountains. It's
6 part of our plan; it's right on the general
7 development plan that there will be fountains in
8 those.

9 You can go back to H1 again I think, Nick.
10 By incorporating the 14.05 acres of open space
11 district and 25.07 acres of the R-3 PUD district,
12 and with the general development plan requirements,
13 and our condo association documents, it literally
14 gives us four levels of assurance that no more than
15 69 homes will be built in Hawk's Nest Crossing.

16 In closing, number one, we're appreciative
17 of the feedback that we received. There's been
18 times that that's been contentious, there's no
19 doubt, on both sides I think. We've tried to work
20 past that and we want to work together with the
21 neighbors, with the Township, with concerned
22 residents, with the governmental agencies
23 throughout these communities, and we feel confident
24 we can do that. Not only that, but also implement
25 some of the recommendations and proposed solutions

1 That's all that our acreage is adding to that, and
2 we must maintain that and contain that water
3 through the retention basins. There is no argument
4 about that. But in talking with Brookside, and
5 very honestly, some of the other Stark County
6 organizations, Brookside would like to meet and I'd
7 like to meet, I'd like concerned residents to meet
8 with the Stark County Engineers Office and Stark
9 water & Soil Conservation District to see if we
10 can't come up with some type of resolution or at
11 least better understand how we might be able to go
12 about to relieve some of the build-up of pressure -
13 not pressure that's there - but build-up of water
14 that's there. Really, there's no question about
15 this is a flood zone. We're never going to change
16 that.

17 Nick, go ahead and bring up the graphic.
18 So that's the flood zone that encompasses our area.
19 That's our property right there. Here's the
20 adjoining neighbors. All this area, including the
21 outside area, drains all down through here, comes
22 down to right there and then goes off and peels off
23 east of Brookside. Brookside is very interested in
24 seeing what they can do to maintain their section
25 of the creek, because of, very honestly, the damage

1 that it does to the golf course. I'm very
 2 interested in looking at that and I'm sure that
 3 surrounding neighbors are very interested in
 4 looking at that too, to mainly try to increase the
 5 flow of water through that area. Now, quite
 6 honestly, Stark County Engineers Office, not
 7 because of lack of wanting to, but because of lack
 8 of funding, are going through a little bit of a
 9 transition right now. They have no funding for any
 10 of the creek or culvert management throughout Stark
 11 County, other than extreme emergencies. And so
 12 basically they don't have any funding. They have
 13 to budget for it, or any time a situation comes up,
 14 they have to see if they have it in their budget;
 15 if they don't, it just doesn't get done. Now,
 16 they're going through a process right now to look
 17 at changing that. It's nowhere complete, from my
 18 understanding. However, they are very willing to
 19 talk to all of us. I'd like to set up a meeting
 20 with them and Brookside and area residents, if we
 21 get a small group together, and just sit down and
 22 see what we can do.

23 I don't know what we can do, but I'd like
 24 to see something done. There's some private ways
 25 of doing that. Obviously Sippo Creek doesn't go up

INDEPENDENT REPORTING SERVICE
 (330) 332-DEPO (3376)

1 it's got to be positioned upland from the stream
 2 itself. You can't just take it off, put it on the
 3 side and walk away. Again, there's a provision
 4 there for it. I don't totally understand it as of
 5 yet. Stark County Engineers brought that -- I take
 6 that back. They didn't bring it to my attention.
 7 I contacted my wetlands experts. They gave me
 8 resources. She or they are the ones that informed
 9 me of that provision that we can do that. I
 10 haven't investigated too much further, but that
 11 would be brought up in one of those meetings. So I
 12 would propose that that be done here, we can start
 13 coordinating tonight if everybody sees fit to do
 14 that.

15 So, in summary again, I just feel we can
 16 all work together to get this done and help
 17 alleviate some of those issues. I hope I've made
 18 everything clear. I may have complicated it more,
 19 because I'm a little bit detail oriented, but I
 20 definitely open up any questions to the Board, to
 21 the Trustees, and obviously I'll answer any
 22 questions that I can from any of the people here
 23 who speak after me. And I'd also like to suggest
 24 that if anybody wants to stick around after this
 25 meeting is over, I'll be more than happy, I've

INDEPENDENT REPORTING SERVICE
 (330) 332-DEPO (3376)

1 against any of the adjoining homeowners, at least
 2 south of our property; it does north, but not
 3 south, but at the same time, I'm willing to
 4 participate in that, definitely in the meeting and
 5 participating in the cleaning out of that ditch
 6 once we find out what needs to be done. Now, the
 7 other criteria there is that because that is in a
 8 flood zone, it's in Sippo Creek, it's in a
 9 wetlands, that the United States Army Corps of
 10 Engineers has direct authority over that. However,
 11 I've also come to find out -- so that means that if
 12 we go in there and just start digging out that
 13 ditch and the Army Corps. of Engineers came in and
 14 found out we were doing that, we'd get thumped,
 15 very honestly, because you can't do it. That's why
 16 we had to go through all the process of getting the
 17 permits to fill those four areas. However, there
 18 is a, not an exception and I won't call it a
 19 loophole, there is a provision if it's done the
 20 right way that an individual landowner or
 21 association or agency or whatever, can go in and
 22 clean out those areas. The main key factor is that
 23 anything you take out of that area, to not disturb
 24 other wetlands, and it's got to be positioned -- so
 25 if there's sediment that's taken out of that ditch,

INDEPENDENT REPORTING SERVICE
 (330) 332-DEPO (3376)

1 brought the plans, we'll have the exhibits up, I'll
 2 be more than happy, we'll be more than happy to
 3 talk to you about any of those things that you want
 4 to talk about. We're all for trying to get it
 5 accomplished.

6 With that, I'd just like to thank you and
 7 do you have any questions of me?

8 MR. WALTERS: No.

9 MR. PIZZINO: I have nothing.

10 MR. HAWKE: Sounds good.

11 MR. DEVILLE: Thank you. And also, if
 12 there's any questions afterwards, any of the
 13 gentlemen that are here with me would be more than
 14 willing to answer any of those specifically
 15 regarding legal, engineering, and others. Thank
 16 you.

17 MR. HAWKE: Anyone else wishing to speak in
 18 favor of the proposed amendment?

19 MR. BENNELL: Thank you. Gentlemen, my
 20 name is Charles Bennell. I live at 6104 Dorchester
 21 Court Circle in Jackson Township. For 30 or so
 22 years I lived very close to this property. In
 23 fact, I lived on the north side of Everhard Road,
 24 just above the intersection of Wackerly on four and
 25 a half acres. About two of those acres were

INDEPENDENT REPORTING SERVICE
 (330) 332-DEPO (3376)

1 wetlands with that same creek coming through my
 2 property, so I'm very familiar with the
 3 neighborhood. I lived there, I bought the house in
 4 my 40s, sold it in my early 70s when it became too
 5 much to take care of and I really didn't need all
 6 that property anymore, and I moved into a villa in
 7 the Carrington Allotment very near here.

8 So although I have no business relationship
 9 with Mr. Deville, I can say just from my own
 10 experience wanting to stay in Jackson when the big
 11 place got to be too much for me, and knowing that I
 12 have friends who have moved into the new Glendale
 13 Allotment just across Everhard from where
 14 Mr. Deville is developing, I think he's right that
 15 an aging demographic that wants to stay in Jackson
 16 and wants more maintenance free living will find a
 17 market here. I can't speak to the technical data
 18 of the engineering, et cetera, but I suspect
 19 Mr. Deville has done his homework.

20 Before I came over today I just for kicks
 21 took a look at some of the social media postings
 22 relating to the Zoning Commission's decision, and
 23 it's clear that there are some folks who will say
 24 Mr. Deville was looking for a zone change several
 25 years ago. There was a referendum that overturned

1 Mr. Deville at this point. We'll record any
 2 questions you have and we'll get him to answer
 3 those if need be. That's kind of the process that
 4 I follow. So with that, whoever wants to start,
 5 come on up.

6 MR. HALL: My name is Todd Hall. I live at
 7 3330 Dellwood Avenue, N.W. in Jackson Township and
 8 I'm in the neighborhood near where the development
 9 is. I think there needs to be a clearer category
 10 that needs to be introduced in the process here,
 11 and I mentioned this to the Zoning Commission last
 12 time. As opposed to those in favor and those
 13 opposed, there's some of us that are just here to
 14 get information and to ask questions. So I'm not
 15 an opponent, nor am I a proponent of the
 16 development, but I greatly appreciate the time and
 17 the effort that was put forth to provide the
 18 clarifications that were given to us. I think it's
 19 a much clearer picture than what we saw at the
 20 Zoning Commission meeting.

21 I know there's one issue that is in the
 22 back of the minds of a number of people who are
 23 concerned about development in that area, and I
 24 guess I'll raise that question, put it before the
 25 Trustees and also Mr. Deville's team. And the one

1 the Trustees' decision to grant that zone change,
 2 and I wouldn't be surprised if some folks will say
 3 the voters have spoken and that therefore the
 4 Trustees should deny this tremendously amended and
 5 changed and in my view much more interesting and
 6 less intrusive zone change application.

7 It's certainly the case that school levies
 8 go down at elections and school boards make a
 9 better case the next time around and the voters
 10 like what they hear. So I would encourage the
 11 Trustees to recognize the fact that there aren't a
 12 whole lot of places in Jackson Township at least at
 13 this point suitable for creative use of land
 14 development to meet the need of people who want to
 15 stay in the Township but don't want to maintain a
 16 large house that they used to have. That's pretty
 17 much my comment.

18 MR. HAWKE: Thank you. Anyone else?
 19 Hearing none, I will close the section of the
 20 hearing for those speaking in favor of the zone
 21 change and will open up to those speaking in
 22 opposition to. I know there's a number of you that
 23 I think are probably going to come up. So just
 24 again for the record, name, address. Try to stay
 25 on point and make sure you address the Board, not

1 question has always been, Okay, if we approve this,
 2 what happens if subsequently there's an amendment
 3 to do something different? And as Mr. Deville's
 4 indicated, there's many layers of protection in
 5 terms of creating the open space, having a
 6 homeowners association that would have the 100%
 7 vote for any proposed change or amendment to add
 8 additional development or additional building, if
 9 you will, in the area.

10 I guess what I just want to make abundantly
 11 clear to everybody, and I appreciate having a court
 12 reporter here. I was one of those in my days when
 13 I was putting myself through law school, but we
 14 didn't have a laptop. I didn't sleep at night
 15 sometimes. But there's this period of time between
 16 the initial development and 50% occupancy of the 69
 17 proposed units where there's not a homeowners
 18 association in place yet. And so there's a
 19 question I know in some people's mind as to whether
 20 or not there could be a subsequent request for an
 21 amendment at that point in time by the developer to
 22 say, Hey, you know, I'd like to change some of this
 23 and maybe rezone some of the open space and some of
 24 the other areas to put in some more condos.

25 Now, from the pictures, personally I don't

1 know that that's a strong possibility. I think
 2 what's being developed is what's going to be
 3 developed and what will be developed and nothing
 4 will change, but to assure those people who have
 5 that question in the back of their mind, I think
 6 we'd like to have a really firm definitive
 7 statement that this is the development, 69 units.
 8 There won't be anymore. The plan is the plan is
 9 the plan and that if you approve this plan, that
 10 you will be reminded in the future if there is an
 11 amendment coming forward, that everybody sat there
 12 nodding their heads and feeling fairly comfortable
 13 with the understanding that this is the firm plan
 14 and this is how it's going to stay. So that's one
 15 question that I guess I put before the Trustees and
 16 also to Mr. Deville.

17 And then secondly I'd like to say, I
 18 certainly will be glad to participate in any effort
 19 to dredge out Sippo Creek and get my property out
 20 of the flood plain and prevent that problem from
 21 occurring in the future, because I can assure you
 22 even though recently, in the last year and a half,
 23 I think it was the Township that came in and did
 24 some dredging and did put in some new drainage, but
 25 they didn't necessarily complete the job in the way

INDEPENDENT REPORTING SERVICE
 (330) 332-DEPO (3376)

1 amendment. It doesn't go through a rezone, so to
 2 speak. The open space segment that he's now cut
 3 out would have to go through a complete rezone. He
 4 would have to go back to signage, he'd have to go
 5 back to a hearing at the Commission and everything
 6 else to change that layout. So he couldn't come to
 7 us and say, I want to amend this and I want to add
 8 ten more buildings in the open space segment. That
 9 can't happen. It would have to go back.

10 MR. HALL: I think we understand that
 11 process. I think my point was, that you will all
 12 be reminded.

13 MR. HAWKE: We are.

14 MR. HALL: What I'm saying is, you will be
 15 reminded at that point.

16 MR. HAWKE: There are, just to clarify for
 17 you, there are a couple R-3s already in place and
 18 PUDs in place that have been asked for -- that have
 19 asked for amendments. Some of them were just
 20 realigning driveway situations, nothing major.
 21 There is one in specific that is design, and
 22 nothing has been constructed yet, and it still just
 23 sits there. Mr. Pizzino, you've been here longer
 24 than I have. We'll tease him right now that he's
 25 the senior member here.

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 (330) 332-DEPO (3376)

1 that I would like to have seen it done, because my
 2 property still floods because that regimen that was
 3 done and the new pipes that were put in there, it
 4 was not done deep enough or wide enough. So when
 5 it rains and all comes down the hill and goes
 6 through all those pipes, it goes out to that drain
 7 and dredged area that goes out to Sippo Creek, but
 8 it overflows that dredged area and backs into my
 9 property. So I'm all in favor of anything that we
 10 all could and should be doing to alleviate that
 11 problem. So I guess that's the only comments I
 12 have at all.

13 MR. HAWKE: I was going to say, referring
 14 to your initial point in your initial question, I
 15 would be happy to answer that.

16 MR. HALL: Please.

17 MR. HAWKE: Under the new proposal that
 18 Mr. Deville just went through, the R-3 segment
 19 would be, assuming it's approved, let me go down to
 20 that process, assuming it were approved, the
 21 design, the layout and how he has it is how it has
 22 to be built unless he comes back before us and we
 23 approve any amendments to it. It would be an open
 24 meeting. Everybody could come in and talk about
 25 it, but we would just make the approval to the

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 (330) 332-DEPO (3376)

1 MR. PIZZINO: The old guy.

2 MR. HAWKE: But he's sat through a few more
 3 than I have in that situation, but that process is
 4 a definite. And again, it's just an open process,
 5 it's just like this meeting now. So if he files
 6 for that amendment, you're all going to be able to
 7 come in and say, Hey, guys, we talked about this.
 8 And maybe the amendment is just that, maybe it's
 9 realigning a driveway.

10 MR. HALL: Sure.

11 MR. HAWKE: Okay, we get it. No problem.
 12 Or maybe it's, I want to add this. Whoa, whoa.
 13 Back up. This is where we were, you know, so I
 14 think that's always there, because it has to follow
 15 the PUD. That's the piece I personally like about
 16 the PUD, is you have to go through and have to
 17 seek, you know, if this were just another zoning
 18 category, as we've talked about many times, it
 19 could be whatever as long as it fits that category.
 20 As it is today, I can't -- you could build it today
 21 with whatever that would be, and we wouldn't have
 22 to -- he wouldn't have to show us a darn thing.
 23 So, you know, there's definitely some protection
 24 area side for that, but this part of it with the
 25 open space does add a different layer to it, and I

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 (330) 332-DEPO (3376)

1 wanted to make sure we were clear about that.

2 MR. HALL: Absolutely.

3 MR. HAWKE: That open space doesn't get
4 amended by us. It goes back to a rezone process if
5 a change was requested. I think you pretty much
6 said that. I'm just agreeing with you that I think
7 we're in agreement that's how that would go.
8 Anything else to answer that? Joni, did I get that
9 wrong or right?

10 MS. POINDEXTER: You got it right.

11 MR. GONZALEZ: I might want to add to your
12 question there. The issue is beyond this Board.
13 It could happen ten years from now. It could be
14 all different Trustees. That's the idea of the
15 PUD, that clear down the road it's got to go back
16 to a board no matter what. It can't happen without
17 going through this process.

18 MR. HALL: Well, I appreciate that, but
19 again, I'm glad to have the court reporter.

20 MR. GONZALEZ: Right. I'm just saying it
21 could be a different Board.

22 MR. HALL: Sure.

23 MR. HAWKE: I just want to make sure she
24 understands that I read your entire transcript from
25 the last meeting, so I just want to thank you for

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(330) 332-DEPO (3376)

1 couple random questions. I don't know if -- it
2 depends on the answer whether I'm opposed or not.
3 First of all, Joni, in your description of this
4 proposal, I believe you said the northwest corner
5 of that intersection, and it's on the southeast
6 corner. And here in the --

7 MS. POINDEXTER: Yes, it does say northwest
8 corner.

9 MR. DEMANGEONT: Yeah. It's the southeast
10 corner. It's misspoken here, so I just wanted to
11 clear that up. You go through all this and I'd
12 hate to get it rejected because of a typo. Okay.
13 I've got a couple concerns. They're personal
14 concerns, but I have this vision that Mr. Deville
15 puts this nice little allotment in and that walking
16 space up there and that green space is a hit, a
17 real hit, and so on weekends both sides of my
18 street, both sides of Dellwood and both sides of
19 the other street there are filled with cars. First
20 question is, does that mean, with this plan, this
21 is adopted as this developer said, is Dellwood
22 going to be a dead-end street? Is it going to dead
23 end into the proposed development? Second of all,
24 if it does or if it doesn't dead end into that
25 proposal, or into the property, what if it is a hit

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(330) 332-DEPO (3376)

1 that.

2 COURT REPORTER: You're welcome.

3 MR. HAWKE: Next.

4 MR. DEMANGEONT: Okay. My name is Joe
5 Demangeont. That's D-E-M-A-N-G-E-O-N-T. I live at
6 5966 Heather, and that's the southeast corner of
7 that.

8 MR. HAWKE: Can you turn the mike on? It's
9 on now.

10 MR. DEMANGEONT: Okay. My wife and I live
11 at the bottom of the hill. It's where Dellwood
12 intersects with the property, Dellwood and Heather.
13 I can't point to it.

14 MR. DEVILLE: Is that it? I'm not sure.

15 MRS. DEMANGEONT: We're across the street.

16 MR. DEVILLE: Yeah.

17 MR. HAWKE: Give my pointer back.

18 MR. DEVILLE: Absolutely. I stole it.

19 MR. HAWKE: You stole it.

20 MR. DEMANGEONT: we live right in here.
21 Dellwood is right in here and Heather goes up
22 there. We're right there at that intersection.
23 And by the way, for everybody's information,
24 Dellwood is sort of the border on the flood plain
25 for that little Sippo Creek. So I've just got a

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(330) 332-DEPO (3376)

1 and there are a lot of cars and stuff like that?
2 From what I understand from your presentation,
3 that's open to the public.

4 MR. DEVILLE: (Indicating negatively).

5 MR. DEMANGEONT: No?

6 MR. DEVILLE: I'll clear that up.

7 MR. DEMANGEONT: Okay. So that's one
8 question, how's it going to affect my neighborhood.
9 Now, the other question is this. We've talked a
10 lot about adding buildings, and you clarified that
11 pretty well, but is it possible to take away a
12 building and extend Dellwood in to there? Could
13 that be possible or is that prohibited? Can you
14 take away one of those buildings and make room for
15 an extension at Dellwood into the allotment? Is
16 access onto Dellwood prohibited by the proposal? I
17 don't know. That's one thing nobody's talked
18 about.

19 MR. PIZZINO: Are you talking before or
20 after?

21 MS. POINDEXTER: That would be a change to
22 the plan. They would have to go back to the
23 Trustees to put a street through.

24 MR. DEMANGEONT: well, see all these houses
25 right here, you could get rid of one of those and

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(330) 332-DEPO (3376)

1 run that road right up through there. That's what
2 I'm concerned about.

3 MR. DEVILLE: I'll address that.

4 MR. HAWKE: Okay.

5 MR. DEMANGEONT: Okay. Another -- and this
6 is -- most of these are technical. The traffic in
7 and out. Now, you got 69 homes, yet your study
8 says 34 out and 42 in. Now, just a common sense
9 calculation, I don't see how you can have 34 out
10 with 69, a minimum of 69 people living there, and
11 42 in with a minimum of 69 people living there. I
12 would think of your proposed clientele, you'd at
13 least have one person going in and out every day.
14 So 34 and 42 doesn't make sense to me. I think
15 there's going to be more traffic than that.

16 MR. HAWKE: I don't want to interrupt you,
17 but just -- I don't want you to think we're
18 ignoring your question. Mr. Deville has offered
19 and will answer those in rebuttal, so we're
20 collecting your questions. We're not ignoring you.
21 I just wanted to make sure.

22 MR. DEMANGEONT: Okay. Now, this has to do
23 with water damage. I don't want it to happen, but
24 I'm a proponent of Murphy's Law; if it can go
25 wrong, it will. I'm sure Mr. Deville or somebody

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(330) 332-DEPO (3376)

1 and I'm not the -- I'm not as articulate as I used
2 to be.

3 MR. HAWKE: No problem.

4 MR. DEMANGEONT: So I'm visualizing that
5 pond filling up, starting to overflow and it's
6 still raining. Where does the overflow go and how
7 much overflow can you get away with before you
8 start flooding? I don't know if you've looked into
9 that. And on the positive side, two things I'd
10 like to say. I appreciate the cooperation and
11 cordiality of Mr. Deville and his team, and I don't
12 think -- I think that's a pretty good little
13 project overall. I've got a few questions, but
14 that's all.

15 MR. HAWKE: Thank you. Those are good
16 questions. Very good questions.

17 MR. PARRISH: My name is Craig Parrish,
18 6853 Thicket. I've just sat here and listened to
19 these guys for an hour, with all their maps, their
20 statistics, their charts and their pretty snow
21 fence pictures. The real message that I heard was
22 all the smoke and mirrors comes through that my
23 vote does not count, that the vote of over 14,000
24 people doesn't count, because in an unprecedented
25 referendum we corrected the last time you guys

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(330) 332-DEPO (3376)

1 is aware of that law. Everybody that's a builder
2 is. If, with all the planning and everything else
3 that goes on for catching all that water, it
4 overflows, if it overflows, if you have a 200-year
5 flood or something and it overflows and property
6 damage occurs as a result of overflow from the
7 allotment downstream, who is responsible? Good
8 question. And then another sort of related
9 question, if during the process of the building our
10 new roads, side roads there, Heather and Dellwood
11 get wrecked by building trucks and the like, who
12 pays for that? Does Mr. Deville pay for it or do I
13 have to pay for it?

14 Let's see. Now, question about the water
15 basins. If I heard you right, it's all the basins
16 are wet water basins. That means they have water
17 in them all the time. Now, if you have a real dry
18 period, I can understand that the water will
19 trickle down into the sedimentary soil, I guess,
20 but if you have a real wet period, after it fills
21 up, where does the rest go? It flows into that
22 drain that comes off of that pond, but where's it
23 go then; does it go into the creek? And that begs
24 the next question. Pardon me if I sort of fumble
25 with my words. I had a stroke a couple years ago

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(330) 332-DEPO (3376)

1 voted for this. You allowed this thing and we said
2 no. We went to the ballot box and said no. And it
3 angers me that this guy even wants to consider
4 overturning my vote. But when I see campaign signs
5 on this guy's property, it makes me think that the
6 decisions may have been made before these hearings
7 were even considered. We said no multi units. We
8 said no to zoning changes at the ballot box. That
9 is the most important place we can make our voice
10 heard. And it wasn't even close. It was
11 overwhelming. That means you should be voting for
12 no apartments, no multi units and no zoning
13 changes. That's it. The voices were already
14 heard. Your job to represent this community is
15 very clear. The path is no mistake upon it. It is
16 no. These people should be told no this time from
17 you so we don't have to do it again. Thank you.

18 MR. HAWKE: Anyone else?

19 MS. BUETTELL: Launa Buettel, 4450
20 Brunnerdale Avenue, N.W. Okay. Bear with me. I
21 wrote some notes down, but through all of this,
22 I've scribbled and scribbled again, and so I'm
23 going to try to keep --

24 MR. HAWKE: Crossed them out and changed it
25 up.

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(330) 332-DEPO (3376)

1 MS. BUETTELL: Really, seriously. So I'm
 2 going to try to stay on point and read my
 3 scribbles. First of all, I want to thank you all
 4 for letting us get up and have a chance to speak
 5 our voice and tell you our concerns. I also want
 6 to be perfectly clear that the issue of rezoning
 7 from RR to R-3 is something that this community
 8 has said loud and clear that it does not want. I
 9 have no problem with RR and Mr. Deville building
 10 beautiful homes under the current zoning. It's
 11 fine with me.

12 The RR rural residential district is
 13 established to accommodate one single family
 14 residential dwelling per lot with or without
 15 central sewer and water facilities. A minimum lot
 16 size of 20,000 square feet is intended to provide
 17 for areas of semi suburban character in a community
 18 and to prevent excessive demands on the sewers and
 19 water systems, streets, schools and other community
 20 facilities. This is what we want you to preserve.
 21 This is why we moved here. This is the feel of our
 22 community, the neighborhood, and we want you to
 23 recognize that and understand we want it to stay
 24 that way. If I want to live next to an allotment
 25 like that, I would buy a house next to one, but

1 discussed at the zoning was changing the topography
 2 of the property, and I would like to know what does
 3 Mr. Deville plan to change the topography of the
 4 land. I know there's some parts that are low. I
 5 know he has to fill in the wetlands, and there's no
 6 such thing as really recreating a natural wetland
 7 as well; it's man made, it doesn't function the
 8 same. And are they still going to -- are they
 9 going to raise the property and let the gravity
 10 take it from there? As he said in his words,
 11 filling in low areas is a common practice for
 12 developers. They don't seem to care about creating
 13 flooding for surrounding neighbors. And I've
 14 experienced that first-hand with the developer who
 15 came in behind our property and there was plenty of
 16 sections of the lot behind us that was deemed
 17 unbuildable, but there's no such thing as
 18 unbuildable with a developer; they'll find a way.
 19 And I want to show you some pictures of what this
 20 developer did. He raised -- changed the
 21 topography, which is illegal to do, and raised the
 22 property behind us ten to fifteen feet. Well,
 23 guess where gravity dictates water goes? It goes
 24 downhill. I'd like for you to see this. I've
 25 supplied to you some pictures of what this

1 that's not what we want.

2 R-3 zoning is the residential planned unit
 3 development known as PUD. The definition of the
 4 term planned unit development is used to describe a
 5 type of development and regulatory process that
 6 permits a developer to meet overall community
 7 density and land use goals without being bound by
 8 existing zoning requirements. That is the
 9 definition, and it's that last sentence that scares
 10 me.

11 Okay. Those who attended the zoning
 12 meeting last month were mostly concerned about the
 13 water drainage and the possibility of increased
 14 flooding from the development to which Mr. Deville
 15 had said during that zoning meeting, we will let
 16 gravity do its thing, using retention ponds and
 17 drain the run-off into the wetlands. Now tonight
 18 with this OSD proposal, my question is, if that
 19 goes through, is he still going to be permitted for
 20 this overrun of these retention ponds to drain into
 21 the wetlands? We already flood as it is. We don't
 22 need anymore.

23 Okay. I'm going back to my notes. A lot
 24 of red flags here. I'm surprised you guys didn't
 25 have more questions. The one thing that was not

1 developer did.

2 After putting in the roads, as you had
 3 said, there was one other planned development that
 4 is still kind of on hold. He went in and did his
 5 thing, created water problems for all the
 6 surrounding neighbors, put in the streets and then
 7 stalled five, six, seven years, at which time he
 8 came into the Zoning and wanted to apply for a new
 9 zoning because he wanted to put in cluster homes.
 10 Luckily Zoning denied him. So when he couldn't put
 11 in his cluster homes, he turned around and sold
 12 that lot to a different builder who went in and put
 13 in single family homes and now there's 27 homes
 14 behind us. However, we still have the raised
 15 property behind us and to the south of us that
 16 continually floods. So I would really like for you
 17 to check with him on this OSD, if that is approved,
 18 where does the overflow or what he calls -- I'm
 19 looking at my notes, the run-off from that, where
 20 does that go? And if this is a designated area, is
 21 he allowed to let his overflow from his retention
 22 ponds go into the creek and the wetlands? That's
 23 what I'd like to know.

24 I propose that we keep the current RR
 25 zoning and let Mr. Deville build beautiful homes

1 that will increase the value of the surrounding
2 properties and neighborhood. That's a win/win
3 situation for everyone. Tax-wise for the County or
4 the Township, money for Mr. Deville, and happy
5 neighbors. Let's build and create a neighborhood
6 and a community where everybody is happy and gets
7 along, which has not always happened. And I would
8 like to say that I hope that you listen to the
9 voice of the people of this community who have told
10 you, as you know by this election, they don't want
11 that zoning changed. I'm not for it either.

12 I have no problem with him building as many
13 homes in there as he wants. I just don't want the
14 zoning changed because that opens up a whole can of
15 worms, and unless he can guarantee in writing that
16 there isn't going to be a bunch of changes. Let's
17 face it, you give him the zoning change, there's
18 nothing from stopping him from turning around like
19 that other developer and selling the property to
20 somebody else who's going to come in and do
21 something else. So I'm hoping that you decide not
22 to give him the zoning change.

23 If you decide to pass the zoning change
24 regardless of the overwhelming opposition from this
25 community, you have failed in your duty to us and

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(330) 332-DEPO (3376)

1 MR. HAWKE: Well, the rental property
2 question, quite honestly, doesn't -- if it stays
3 RR, he can rent them too. I mean, there are people
4 renting homes up and down every street in the
5 Township. So I don't know that there's a way -- I
6 understand your point in your question, but I don't
7 know that I can give you a positive answer.

8 MR. STOCKTON: It's the ownership issue
9 that I'm more concerned about, because he would
10 have ownership of the 39 acres and then he could
11 petition to get that OS to become R something else
12 by having an ownership.

13 MR. HAWKE: And he would have to come back
14 through this whole process.

15 MR. STOCKTON: I understand. So that
16 language would not -- if you do grant that
17 rezoning, it would not appear in there, that it has
18 to have a homeowners association? I just want to
19 clarify that. That's all.

20 MR. HAWKE: I don't believe we can do that.

21 MR. STOCKTON: I just have to ask that.

22 MR. HAWKE: Okay.

23 MR. VACCARO: Condominium documents would
24 control the ownership aspects whether or not one of
25 those units could be rented. I'm sure he will

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(330) 332-DEPO (3376)

1 that will cost you a seat at that table. Thank
2 you. You can keep the pictures. I've got more.

3 MR. HAWKE: I do appreciate keeping them.
4 We'll add it to the record, so if you don't mind.
5 If you need them, we can have copies made.

6 MS. BUETTELL: I've got copies. Thank you.

7 MR. HAWKE: Anyone else?

8 MR. STOCKTON: My name's Richard Stockton.
9 I live at 8811 Camden Road, Massillon. I would
10 like to know if the R-3 PUD is passed, will there
11 be language in the rezoning that states a
12 homeowners organization will exist and people will
13 have to buy the properties and not rent them?

14 MR. HAWKE: I don't believe that can be
15 done.

16 MR. STOCKTON: Okay. The reason I ask
17 that, Mr. Deville was very clear and mentioned many
18 times that people who own the homes, and there will
19 be a homeowners association. Well, if he changes
20 his mind, he can go ahead and rent them if he gets
21 the zoning change. He could also petition for the
22 OS to become, you know, another R-3 PUD. So I
23 think what the community wants is protection that
24 it won't become more rental properties and it will
25 become more privately owned homes/condos.

INDEPENDENT REPORTING SERVICE
(330) 332-DEPO (3376)

1 address that in a rebuttal, but that's something,
2 it's just like if you buy a regular home, and
3 Mr. Hawke just made this point, if you decide you
4 want to rent your home, there's no, in RR there's
5 nothing in our zoning code that prevents you from
6 doing so, because that's an unreasonable restraint.

7 MR. STOCKTON: No, I understand, right, but
8 if there was a homeowners association, we were told
9 that that open space has to be agreed upon by
10 everybody who owns a condo.

11 MR. VACCARO: Yeah, that could be written
12 that way.

13 MR. STOCKTON: Therefore, there would be no
14 chance that that OS would have additional homes.

15 MR. VACCARO: That's true.

16 MR. STOCKTON: I understand that.

17 MR. VACCARO: That would be true.

18 MR. HAWKE: Yes. And honestly, I think
19 they can answer that better at rebuttal, because
20 that's a different -- that's not a document we
21 control.

22 MR. STOCKTON: Okay. Thank you.

23 MR. HAWKE: Thanks.

24 MR. BRUCE: My name is Chuck Bruce, 585
25 Heather, N.W. I'm right up against that. The

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(330) 332-DEPO (3376)

1 question I have is, the OS, being that that's zoned
2 different, it's not the R-3, does that make it
3 easier for him to sell that to another builder; can
4 he sell that, because it is different?

5 MR. HAWKE: I guess the answer to that
6 would be it wouldn't make it any easier or any
7 harder. It's a different zoning code. So if
8 someone wanted to buy and own an open space that
9 they're not going to build anything on, I suppose
10 it would be easier. If someone wanted to buy it
11 and build something on it, that fit another zoning
12 code, RR, R-1, R-2, R-3, R-4, whatever, it would be
13 harder, because they'd have to go through this
14 process. So I guess it would depend on who the
15 buyer is. No different than if your home or my
16 home or anybody else in any of these homes that are
17 purchased.

18 MR. BRUCE: The prior, how many times we're
19 here, four times, something like that.

20 MR. HAWKE: You're right.

21 MR. BRUCE: Before he was buying this
22 property contingent on rezoning.

23 MR. HAWKE: Correct.

24 MR. BRUCE: And it's in the back of my
25 mind, well, somebody's going to want this to build

1 parcel of land to an R-3 than it is I think the
2 whole thing.

3 MR. HAWKE: I think what, and this is my
4 personal opinion, my personal opinion is this is
5 ground that's not conducive to building because of
6 the wetlands. Mr. Gonzalez and I could tell you
7 we've been through a lot with the extension of the
8 Strip Avenue Extension and what wetlands mean and
9 what that process takes, and believe me, I've lost
10 plenty of nights of sleep, and I'm sure I've had a
11 few extra different color hairs because of that
12 process that it goes through. So because it's such
13 a difficult situation, to give a different zoning
14 class to it and just leave it there that way to me
15 makes, you know, that's where it comes in. It
16 doesn't mean it's right, doesn't mean it's wrong,
17 doesn't mean it couldn't be changed. It would be a
18 pretty unique process, I would think, to go from an
19 open space to building something on that particular
20 ground. I mean, you guys, you know it. You've
21 seen it, you know, so that would be -- but I don't
22 know that -- I don't know how I can answer your
23 question than other that everything is open for
24 purchase, but if perpetuity is, a lot of it is, as
25 Mr. Deville I think explained, it's how the way

1 on. They're going to get it rezoned, zoned
2 contingent. They're going to do the same thing,
3 only with that piece of property.

4 MR. HAWKE: well, you can always do that.
5 I mean, you could do that, you could come into your
6 allotment right now and I could come in and I could
7 say I want to buy all your homes contingent on me
8 getting a rezone. Another thing, I'm going to tear
9 them all down and build it that way. I could do
10 that if you all agreed to the purchase contract to
11 do that. Yeah, sure, you could do that. I don't
12 know who would want to go through that process, but
13 that would be -- I mean, that doesn't -- I guess
14 that scenario really applies to anyone's property.

15 MR. BRUCE: But I'm just worried about the
16 open space.

17 MR. HAWKE: Sure.

18 MR. BRUCE: To perpetuity. Now, that's a
19 pretty broad term.

20 MR. HAWKE: Sure, but it's the biggest term
21 you can get.

22 MR. BRUCE: It is. It truly is, yeah. And
23 we're, you know, we're all thinking that well, he's
24 going to come back some day and say well, we're
25 going to rezone that. It's easy to change that

1 it's locked and where the pieces are and where it's
2 at. That's my opinion.

3 MR. BRUCE: And like I say, our concern is
4 that he's going to come back some day, he's already
5 shown that he has the wherewithal to do it, to try
6 to rezone and build. That's a big concern.

7 MR. HAWKE: And I'll let him rebut that.
8 You raise valid questions. We don't have control
9 of the property.

10 MR. BRUCE: Okay. Thank you.

11 MR. HAWKE: Yep.

12 MR. GONZALEZ: If I could add something.
13 The issue in front of the Board is that issue.
14 They could do that. If they do it, that PUD has to
15 be built like that. Nothing else can happen
16 without another zone change. Can they force all
17 the things he's saying? No. They can't say, you
18 have to form this homeowners association. I think
19 he'll tell you that, and he's going to answer that.
20 The question on the floor is not what could happen
21 five years down the road. It's the Board's voting
22 on that plan. And that PUD was put together for
23 that protection and the protection is, you have to
24 go through this process all over again, I guess.
25 That's as far as they can go with it.

1 MR. BRUCE: Part of it is, what advantage
2 is it for him to own the open space? I mean,
3 somebody's paying taxes on that thing. What's the
4 advantage of remaining -- of keeping the ownership.
5 I don't understand that.

6 MR. GONZALEZ: Protection.

7 MR. VACCARO: As I listened to his
8 presentation, I don't think that's his plan. The
9 plan is that would be turned over to the owners of
10 the 60 some units in there. They would own that
11 and the HOA would be responsible for the task of
12 maintaining the water basin and then obviously
13 paying the taxes that go with the open space area.

14 MR. BRUCE: Okay. Thank you.

15 MR. VACCARO: If I understood the
16 presentation correct.

17 MR. BRUCE: Yeah.

18 MR. VACCARO: Okay.

19 MS. SEIGMUND: Good evening. My name is
20 Susan Seigmund. I reside at 3178 Trillium Avenue,
21 N.W. That is my childhood home. Without revealing
22 specific numbers, let's say I've been there over 40
23 years. Play along.

24 MR. HAWKE: Sorry. For the court reporter
25 we need exact, but --

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1 This Township's a great place to live, thanks to a
2 lot of the work that you all have done. I moved
3 here twelve years ago, really enjoy the feel of the
4 Township, the rural residential feel. I could move
5 anywhere I'd like, but I'd really like to stay
6 here. People live in Jackson for a reason and
7 there's plenty of multi-family housing and great
8 businesses. So we hope you would continue thinking
9 about appropriate zoning in the appropriate places
10 and, you know, continue that good thought.

11 You know, since I've moved to Deer Trace
12 Allotment, Hills & Dales has changed significantly,
13 from a two-lane little farm road. I think the day
14 I moved in I was told by the neighbor, Hey, I don't
15 know if the realtor that sold you the house put it
16 in the brochure, but it's going to four-lane next
17 month. They're putting up a sound wall and there's
18 apartments going in everywhere. So not exactly
19 what we were looking for, but we like our home,
20 keeping it the nice feel that it is and doing all
21 that you do.

22 I think there were some significant changes
23 discussed tonight to the project, you know, again,
24 I hope you would oppose it, but if you're unable to
25 do that tonight, I hope you would step back and

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1 MS. SEIGMUND: I'm 39. Here we are again.
2 I've stood here many times over the few years. I
3 say no. No means no. It's RR for a reason. It
4 should be kept RR. The voters said it should be
5 kept RR. No means no. That's it.

6 MR. VINCENT: Hi. Kim Vincent, 3389
7 Waterford, N.W. The last time this came up I went
8 out and I helped gather signatures to get this on
9 the ballot. I would do it again if I had to. I do
10 not want to see this, because I believe houses
11 would be better than condominiums. I can't really
12 add to anything that anybody's said. It's all been
13 hashed over here. I'm just saying please do not
14 vote for this. Thank you.

15 MR. HAWKE: Anyone else?

16 MR. MCDANIEL: Good evening. I'm Peter
17 MCDaniel, 3495 Deer Trace Avenue, N.W. I just
18 wanted to take a minute, thank everybody for what
19 you do here. These meetings are a little bit
20 rough. I appreciate you being here. But I wanted
21 to record my opposition to this project. I hope
22 you would oppose it and vote against it. As
23 Mr. Hawke said earlier, he said it in a different
24 fashion, like guys who had been here before. So I
25 think many people are here to say the same thing.

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1 send this project back to square one, because there
2 are quite a few changes that I don't believe anyone
3 before you or we have seen as a community or
4 different boards has seen, you know, before
5 tonight. So I think it is appropriate to slow this
6 down, send it back and let our Trustees have all
7 the information they need if it would get to this
8 point again, you know, especially with newly
9 elected folks coming aboard, get those parties
10 involved to understand what this project's looking
11 like going forward. Thank you.

12 MR. DEMANGEONT: My name's Joe DeMangeont.
13 I spoke before. One other question has come up in
14 my mind. Has anybody ever figured out what it
15 would net the city as far as taxes go if houses
16 were there as opposed to this allotment? If you
17 filled this up with houses, like my neighborhood,
18 and single family houses, there would be less
19 houses than there would be condos, I guess. What
20 would the difference be? I don't know. I haven't
21 figured it out myself. But that's a question that
22 I have.

23 MR. HAWKE: Anyone else?

24 MR. BRUCE: I have one more.

25 MR. HAWKE: I haven't seen you.

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1 MR. BRUCE: Nice to see you guys. Based
 2 on, you know, we don't know which way this is going
 3 to go, we do know how one vote is going to go,
 4 simply on the placement of a re-election sign. It
 5 was on Deville's property, two four-by-four signs,
 6 and I think the Township spoke on that one, and
 7 based on that alone, we know how one vote is going
 8 to go. Maybe we should hold this until after the
 9 first of the year.

10 MR. HAWKE: well, I'll also tell you, I'm
 11 not so sure, and this is my personal opinion, have
 12 to go through the legal counsel on this issue, I'm
 13 not so sure that the new Trustee can vote on this.

14 AUDIENCE MEMBER: why?
 15 AUDIENCE MEMBER: Yeah, why?
 16 MR. BRUCE: why?
 17 MR. HAWKE: I'll let the rebuttal handle
 18 that.

19 MR. BRUCE: Okay. Thanks. That was that.
 20 MR. HAWKE: Anything else? Anyone else
 21 have any comment? Hearing none, we'll close that
 22 section of the hearing and I'll reopen for rebuttal
 23 from Mr. Deville.

24 MR. DEVILLE: There were a number of
 25 questions relative to the association, condominium

1 requires them to be reviewed by the Township to
 2 make sure all that open space is going to be
 3 maintained and controlled.

4 So Mr. Deville's company, once it happens,
 5 will not own that property. It's not that he can
 6 have it and later try to do something different
 7 with it, because he will no longer own it. It's
 8 all going to be part of the condominiums. And one
 9 of the things that Ohio law provides in a
 10 condominium is that when you buy a unit, you buy a
 11 percentage of interest in all the common elements.
 12 So all that open space, everything outside of the
 13 buildings, every single condominium owner has an
 14 ownership interest in all that land. The law says
 15 if you ever want to change someone's ownership
 16 interest in the common elements, you need 100% of
 17 the condominium owners to vote for it. Now, you
 18 may have a lesser percentage to make other
 19 amendments to condo documents, but to change the
 20 percentage of interest in common elements, the law
 21 says you need 100%. That's why as soon as the very
 22 first condominium is sold, you know, basically the
 23 condominium owners are going to have control of
 24 that, because it has to be unanimous, it has to be
 25 100% for anything to be changed in any of the

1 unit association. I'd like Mr. Mike --

2 MR. GRUBER: Gruber.

3 MR. DEVILLE: Gruber. All the questions
 4 have me befuddled.

5 MR. GRUBER: Good evening. Michael Gruber,
 6 Gruber, Thomas & Company at 6370 Mount Pleasant. A
 7 couple things I want to make clear. First of all,
 8 I think it goes without comparison that what you
 9 have before you tonight is incredibly different
 10 than what was here before. No apartments, no R-4,
 11 et cetera. So we're talking about something that's
 12 completely different. One of the things that
 13 apparently is a little bit confused has to do with
 14 the whole tract, the 39 acres. Not only is the
 15 whole tract of 39 acres before you for rezoning,
 16 but part of the plan is that all 39 acres are going
 17 to be part of the condominium. And you have the
 18 condominium units and everything outside of the
 19 physical units that are built is called the common
 20 elements of the condominium, and those common
 21 elements will be controlled by the condominium
 22 documents. And as was shown before, I think it was
 23 Exhibit G8, when you have open space, including in
 24 a condominium, there have to be the condominium
 25 documents by Ohio law. Jackson Township Zoning

1 common elements, anything outside the building. So
 2 that's why you do have multiple levels here of
 3 protection as far as any changes or anything done
 4 beyond the 69 units, because as you've made it very
 5 clear, they have to come back here, but they also
 6 have to get unanimous 100% consent from every
 7 single person that buys a condominium.

8 I don't see where it's going to be in any
 9 of their best interest to take away their green
 10 space and the common areas around their
 11 condominiums. And that's why some people said will
 12 there be a unit owners association. The answer is
 13 yes. Under Ohio law there has to be and it has to
 14 be incorporated and in place when the condominium
 15 documents are filed. This isn't something that's
 16 going to happen five years later, ten years later.
 17 Immediately when the condo documents are filed that
 18 unit owners association has to be in place.

19 Now, the question came up as to whether
 20 Mr. Deville could change that and vote it and do
 21 things. Ohio law also controls that, and there are
 22 percentages. So when 25% of the units are sold,
 23 the unit owners have to have representatives that
 24 they elect on the board, and within five years or
 25 when 75% are sold, they have to have complete

1 control of the board. So Ohio law takes care of
2 that too, that they have to put unit owners on the
3 board to control what's going on in the condominium
4 association.

5 I think that hits all the different
6 questions that were raised. Thank you.

7 MR. HAWKE: Does that answer the questions
8 for the condominium?

9 MR. GRUBER: Does anybody have questions?

10 MS. BUETTELL: Yes. You said that the
11 homeowners pay for the taxes for the open space;
12 that's part of the homeowners association?

13 MR. GRUBER: That's correct.

14 MS. BUETTELL: And that basically, even if
15 you only have 25, 50% ownership at that point,
16 they're still responsible for all of the taxes;
17 they share it between them?

18 MR. GRUBER: That's correct.

19 MS. BUETTELL: No matter what percentage is
20 sold?

21 MR. GRUBER: Well, understand that when
22 you're assessing the units, every unit pays its
23 percentage. So if you've got ten units there and
24 six are sold, the developer would still have to pay
25 the assessments for the four unsold units, so it's

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1 MR. GRUBER: Two-thirds of it.

2 MR. DEMANGEONT: Yes. And the rest
3 remained in his hands. Could the existing condo
4 owners and Mr. Deville decide to sell the whole
5 allotment?

6 MR. GRUBER: Yes. But, again, it takes
7 100%.

8 MR. DEMANGEONT: I know.

9 MR. GRUBER: You cannot force anyone to
10 sell their interest.

11 MR. DEMANGEONT: I know.

12 MR. GRUBER: So, again, it would have to
13 take 100%, but understand what they're selling
14 would be condo units that are controlled by the R-3
15 PUD.

16 MR. DEMANGEONT: Right. Yeah.

17 MR. GRUBER: Anything else? Thank you.

18 MS. POINDEXTER: I think the court reporter
19 needs her name.

20 MRS. DEMANGEONT: Kim DeMangeont.

21 COURT REPORTER: Thank you.

22 MS. POINDEXTER: Thank you.

23 MR. DEVILLE: I'm not sure that I have all
24 of Mr. DeMangeont's questions, so if I missed one,
25 just give me a holler. I'm not going to get

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1 not like just the ones that buy. So every unit has
2 a percentage of interest and that unit gets
3 assessed and has to pay their percentage.

4 MS. BUETTELL: That percentage goes down as
5 more units are sold?

6 MR. GRUBER: Correct. It always has to hit
7 100%.

8 MS. BUETTELL: Right.

9 MR. GRUBER: When you file with the County
10 Auditor it has to be exactly 100%.

11 MRS. DEMANGEONT: So until all the units
12 are sold, prior to that he still has interest?

13 MR. GRUBER: Only as a unit owner of unsold
14 units, which means he'd only own whatever
15 percentage those unsold units are. Anything else?

16 MR. DEMANGEONT: Just playing the devil's
17 advocate, but a couple questions here would he
18 decide to sell it.

19 MR. GRUBER: Tell me what it is; when you
20 say sell it, what are you talking about?

21 MR. DEMANGEONT: I'm going to give it to
22 you. Hypothetically you've got, let's use that ten
23 unit -- well, let's use the 69.

24 MR. GRUBER: Sure.

25 MR. DEMANGEONT: Let's say that he sold 40.

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1 through all of them. I'm going to ask John to
2 answer a couple of them too. There was a question
3 about the dead-end street, Dellwood, and it
4 currently dead-ends into our property there. It's
5 going to remain that way. There's no -- I'm not
6 sure if you were asking me if it's a benefit to
7 extend that street or it was just a question.

8 MR. DEMANGEONT: I don't see it as a
9 benefit.

10 MR. DEVILLE: Nor do I.

11 MR. DEMANGEONT: But it's not improved
12 either. The only reason why it's dead-end is
13 because there's trees there.

14 MR. DEVILLE: Right.

15 MR. DEMANGEONT: But if you put a road in,
16 it's a road.

17 MR. DEVILLE: But, again, if a road we put
18 in, it would require an amendment to this general
19 plan. There's no, in my opinion, there's no reason
20 why to put any road through there for several
21 reasons. Number 1, that ends right abutting the
22 wetlands area, right adjacent to the east is a
23 wetlands area. That's another area of bad soils
24 that wouldn't support a road, and we don't have any
25 intent on interfering with the shrubbery and the

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1 trees and the wooded area that's there now. I
 2 would think that the neighborhood would want to
 3 keep that natural. I have no intent to extend that
 4 street, nor, very honestly, would it be permitted
 5 by the GP.

6 MR. HAWKE: I'd just like to clarify one
 7 thing with that, though. Ms. Poindexter, as we sit
 8 here today, excluding the request you have to make
 9 the change, as it's zoned today, assuming you can
 10 get around wetlands and that type of issue, that
 11 road could be extended right now?

12 MS. POINDEXTER: Correct.

13 MR. DEVILLE: Matter of fact, I would
 14 further qualify that. It would be required to
 15 extend that by Stark County, both roads would be.

16 MR. HAWKE: Yeah.

17 MR. DEVILLE: And in between those roads,
 18 the way it's configured now and the way it's zoned
 19 right now, housing, obviously without the open
 20 space district, which is the main reason we
 21 incorporated that is to protect the homeowners to
 22 the south so that nothing could be built there.
 23 But zoned the way it is right now, there could be,
 24 I can't tell you how many, but right up against
 25 those adjoining properties, there's at least six

1 That is, again, owned by the unit owners. They
 2 control that. Obviously they're not going to want
 3 the public in there. There's no parking available.
 4 There's going to be no road going through there.
 5 So I can't control anybody parking on the street
 6 there, but it's not going to be residents of the
 7 condominium units, because they don't have any
 8 access to it, I guess is my point. Does that
 9 answer?

10 MR. DEMANGEONT: Yes.

11 MR. DEVILLE: Would you extend Dellwood, I
 12 think that was answered. Oh, the traffic, you
 13 mentioned the traffic count. You are correct, that
 14 is not the total traffic count of the complex.
 15 Those are only peak hours, peak hours from, I don't
 16 know it exactly, but I think from 9 a.m. to 11 a.m.

17 AUDIENCE MEMBER: I think from 7 to 9.

18 MR. WALTERS: 7 to 9.

19 MR. DEVILLE: 7 to 9, okay. 7 to 9 are
 20 peak morning hours and then whatever they are the
 21 peak evening hours. Those are the cars that are
 22 calculated during that time.

23 MR. DEMANGEONT: So the two-hour chunk.

24 MR. DEVILLE: Exactly. That's how all the
 25 calculations are relative to that type of study

1 homes that could be right there up against that
 2 property line to within 25 feet, if I'm correct.

3 MS. POINDEXTER: Correct.

4 MR. DEVILLE: If it remained the way it is
 5 and if there were single family housing.

6 MR. PIZZINO: And right now it's 218 feet
 7 away, the closest one?

8 MR. DEVILLE: Nick, can we bring that back
 9 up?

10 MR. NICK DEVILLE: The closest one is 216.

11 MR. PIZZINO: Okay.

12 MR. DEVILLE: Yeah, 216.

13 MR. NICK DEVILLE: Is the closest one.

14 MR. DEVILLE: That's to the building.

15 MR. PIZZINO: And that's with the PRD. So
 16 if it would stay RR, it would be 25, Joni?

17 MS. POINDEXTER: Correct.

18 MR. DEVILLE: 25 feet. There was a comment
 19 or question I think relative to the open space
 20 available to the public. That is not open to the
 21 public. Now, quite honestly, I asked Ms.
 22 Poindexter this in reviewing our amendment to add
 23 the open space, it kind of almost needs another
 24 comma in the description of that, but it is not
 25 open for public benefit as far as that open space.

1 that's done, they're always calculated in peak
 2 hours. I'm going to ask John to come up maybe in a
 3 minute, there's another question here talking about
 4 the overflow of a 200 year flood, he'll take care
 5 of that.

6 MR. GONZALEZ: Don, one of the questions
 7 was streets.

8 MR. DEVILLE: Oh, yeah. As a matter of
 9 fact, that's down here. I passed over that in my
 10 presentation. We actually propose, again, we're
 11 going to try to keep the traffic limited on the
 12 emergency drive in our construction, but we intend
 13 to, and my son's eyes lit up when I said this a
 14 couple weeks ago, we intend to actually purchase a
 15 bobcat with a brush on it, and if needed, we're
 16 going to sweep those streets day in and day out, if
 17 needed. Now, that doesn't confront the
 18 construction traffic. That, quite honestly, is
 19 nothing that you pay for, I pay for. Obviously if
 20 there's obvious damage to that street, very
 21 honestly, the most critical aspect of that is right
 22 where it dead ends into our property. We'll have
 23 to shore that up a bit in putting in that
 24 construction drive, and that's going to be amply
 25 supplied with a thickness of gravel or stone to

1 prevent that from happening. And again, we're
2 going to eventually asphalt that right up to it.
3 So that's going to be a minimum as far as the
4 traffic.

5 MR. DEMANGEONT: My question was, if
6 something happened, you've got a great big ole huge
7 hole in an existing road that didn't used to have a
8 hole, who pays for that?

9 MR. HAWKE: Can I address that?

10 MR. DEVILLE: Sure.

11 MR. HAWKE: We will be holding them to
12 taking care of it. We have done that in other
13 situations where that's happened, whether it's been
14 too much construction traffic or people parking
15 construction vehicles on existing roads. It goes
16 to the developer and it goes to the contractor
17 saying that's enough, or if you've created this
18 hole or whatever, it's basically dealt with,
19 because it's public road. So we will be the ones,
20 you'll be letting us know, we'll come out and
21 review it and we'll go through that process.
22 That's how it goes, because we've done it in a
23 couple other ones.

24 MR. DEVILLE: And I'm sorry. You had a
25 couple other questions relative to the basin again,

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1 but I'll have Mr. Walsh answer those, but was there
2 any other questions that you had that we didn't
3 answer?

4 MR. GRUBER: Don, you might want to mention
5 where the primary construction access is.

6 MR. DEVILLE: Oh, yeah, which is at the
7 primary entrance to the complex is where it's at.
8 And even before that driveway there, and I don't
9 think the house shows on there real clearly, does
10 it, Nick, where the house is at? But that primary
11 entrance on Brunnerdale is real close to the
12 existing driveway that's there now to the house
13 that we have. So we already have kind of a
14 self-contained entrance starting out, but then the
15 grade slopes way off, and then that's where we have
16 to come in and obviously redo some trees to break
17 that, so that is going to be the primary
18 construction entrance running through.

19 MR. DEMANGEONT: One question that, maybe
20 you have this question for your engineer.

21 MR. HAWKE: Mr. DeMangeont, can you just
22 state your name so she has it.

23 MR. DEMANGEONT: Joe DeMangeont.

24 MR. HAWKE: Thank you.

25 MR. DEMANGEONT: You may have this question

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1 for your engineer. If all of that failed and
2 downstream things are flooded and damage has
3 occurred as a result of run-off from the condos,
4 who pays for the damage?

5 MR. DEVILLE: I will have John address this
6 after my questions, but several things. The
7 run-off is contained to the 100 year flood plain,
8 that is before and after an event, number one. And
9 don't take this the wrong way, but who would pay
10 for it if that act of God happened now, today,
11 tomorrow?

12 MR. DEMANGEONT: Who would pay for it?

13 MR. DEVILLE: Who would pay for it?

14 MR. DEMANGEONT: I don't know.

15 MR. DEVILLE: I guess that's the answer.

16 MR. DEMANGEONT: Well, somebody has to.

17 MR. DEVILLE: If it's an act of God. Well,
18 unfortunately there is homeowners insurance for
19 those kind of things, if you're talking about
20 damage to public streets and that, that is out of
21 all of our control, as is a 100 year flood or a 200
22 year flood. An act of God is, to a certain degree,
23 not insurable. And the answer to that is, if it
24 happened today, we don't know. I can just tell you
25 assuredly, and I think John will reiterate this,

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1 that the water coming off of our property is
2 contained up to this 100 flood year. Was that it
3 on your questions?

4 MR. DEMANGEONT: Yes.

5 MR. DEVILLE: Okay. Then I think, John,
6 you had a couple things here.

7 MR. WALSH: Good evening. My name is John
8 Walsh. I'm with GBC Design, 565 White Pond Drive,
9 Akron, Ohio and we are the engineers, surveyors and
10 architects for the project. And I guess to answer
11 some questions on the drainage for this, I mean,
12 this site really is not going to be treated any
13 different than any other site in Stark County
14 that's developed. There's requirements in place,
15 there's storm water management's requirements
16 really through the County, through the Subdivision
17 Engineers office, through Soil & Water Conservation
18 District, and also EPA and so forth. And what we
19 do is, we look at the run-off that it comes off
20 today, and there's certain flow amounts for those
21 different storm events, and then these retention
22 basins will hold those excess water to the
23 predeveloped run-off rates and, you know, that
24 water will drain where it drains today. I mean, it
25 drains down into the wetlands and eventually into

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1 the stream.

2 You had mentioned the Strip Avenue
3 Extension where you dealt with wetlands. I'm sure
4 another big component that you dealt with there is
5 retention basins and as folks drive up and down the
6 streets, there's huge detention basins, and in that
7 case, that's all going to be developed as
8 commercial. So it's meant to take that extra
9 parking and that run-off and detain it so it
10 doesn't affect the downstream neighbors. That's
11 the same concept we're going to apply here, that
12 any additional run-off is going to be caught in
13 these basins and held back. The other function of
14 the basins is also the water quality basin. That's
15 going to catch the new run-off coming off and treat
16 it for water quality so that it's clean when it is
17 discharged and drains into the wetlands. I can get
18 into a whole lot more detail if you'd like, but
19 that's the general.

20 MR. PIZZINO: You've answered the question.

21 MR. WALSH: Thank you.

22 MR. DEMANGEONT: Can I ask you one
23 question?

24 MR. WALSH: Absolutely.

25 MR. DEMANGEONT: Are you familiar with the

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1 directly across the street from us that constantly
2 floods. I just want to let you know.

3 MR. HAWKE: In the street?

4 MS. BUETTELL: No, because they have a
5 fifteen foot embankment all around it, but it
6 floods out into the golf course. Constantly
7 floods. Every time we get a rain it floods. I sit
8 there and watch it. We've lived there 25 years.
9 It's always flooded. So I know catch basins can
10 flood. My concern is, when that overflow hits and
11 it goes down into the wetlands which currently
12 floods as it is, we're adding more to it.

13 MR. DEVILLE: I could answer that, if I
14 may.

15 MS. BUETTELL: Sure.

16 MR. DEVILLE: Or, John, you may want to
17 too. One, I'm not sure who or what or how those
18 were designed or anything else. We're not sure if
19 that -- that is a picture of what you're referring
20 to?

21 MS. BUETTELL: Exactly.

22 MR. DEVILLE: Okay. That's on Brunnerdale.

23 MS. BUETTELL: It's right across the
24 street.

25 MR. DEVILLE: Probably a half mile north of

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1 proposal Mr. Deville made about four years ago, the
2 one that was defeated?

3 MR. WALSH: I wasn't part of it, but I'm
4 familiar with it.

5 MR. DEMANGEONT: Are you familiar with the
6 catch basins on that one?

7 MR. WALSH: No, sir.

8 MR. DEMANGEONT: And the reason why I ask
9 it, because I did all the figuring and all that
10 stuff for that one and they were inadequate,
11 according to me, and I just wonder how they compare
12 to what you have there. It was the same land.

13 MR. WALSH: It's the same land. All I can
14 tell you is we're going to design to the standards.
15 We've probably designed 100 different projects in
16 Stark County.

17 MR. DEMANGEONT: Any of them flood?

18 MR. WALSH: Not that I know of. I don't
19 get any calls, so that's a good sign.

20 MR. DEMANGEONT: Okay.

21 MS. BUETTELL: Launa Buettell. Okay. I
22 have a question for you. Did you design the catch
23 basins that they have over at Glenmoor Golf Course?

24 MR. WALSH: No, ma'am.

25 MS. BUETTELL: okay. Because we have one

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1 our site. A couple things. Number one, we have no
2 knowledge of anything that was designed there.
3 Again, whether it's retention/detention, just a
4 simple pond.

5 MS. BUETTELL: It's a retention pond.

6 MR. DEVILLE: Whether there's calculations.
7 We'd have to verify that through Stark County what
8 it is.

9 MR. PIZZINO: That's a pond.

10 MR. DEVILLE: That's a pond, yeah. It's
11 not a detention pond.

12 MR. PIZZINO: It's a regular pond. I've
13 lived there for 17 years. That's a pond.

14 MR. DEVILLE: That's a pond.

15 MS. BUETTELL: We were told it was a
16 retention pond.

17 MR. DEVILLE: So and I guess two things
18 with that. That has no correlation to our property
19 as far as if that's flooding, not flooding.
20 However, if it is flooding, that's actually
21 affecting our properties where we're at. Our
22 properties, your properties, everybody else's. Now
23 that's not by fault of anybody here, but in fact,
24 it's upstream --

25 MS. BUETTELL: Exactly.

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(330) 332-DEPO (3376)

1 MR. DEVILLE: Of our properties. But
2 everything we've shown here tonight should be
3 assurance through Stark County Subdivision
4 Engineering, John Walsh's design firm and the way
5 these are designed, how they're engineered, how
6 they're qualified, how they're inspected, how
7 they're supervised as to we are mandated to abide
8 by those regulations to retain that water.

9 MR. DEMANGEONT: whose regulations are
10 those?

11 MR. DEVILLE: I'm sorry?

12 MR. DEMANGEONT: whose regulations are
13 those? The Corps of Engineers, the City's or what?

14 MR. DEVILLE: John, I'll let you answer
15 that.

16 MR. GONZALEZ: You're going to have to
17 direct -- this is being transcribed. You're going
18 to have to direct your questions up here or
19 something. Private conversations are not going
20 to -- it's awful tough on her. Okay. Go ahead.

21 MR. WALSH: The main regulators is Stark
22 County Subdivision Engineering. They have storm
23 water management guidelines that we use for every
24 project in the county, whether it's a subdivision,
25 whether it's a commercial development. Some folks

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1 the water came pouring out of that development,
2 with all the regulations, I'm sure they met them,
3 and it was two, three, feet deep on Everhard Road
4 and cars couldn't even pass through there. My
5 point is this. With all these supposed great
6 regulations, I think it bears witness to not
7 necessarily are they effective. And I'd feel a lot
8 safer if somebody would double check the flow and
9 how much and does it match with what the regulators
10 want, because who caused it there on Everhard,
11 dumping out of that allotment? Also, if the water
12 there is even a sewer there. It's ended up in the
13 street. Your streets guys should know about that,
14 because it caused a traffic backup that was
15 horrendous during rush hour. So that's why I worry
16 about that. These were incidents where regulations
17 were followed, but they didn't necessarily work.
18 That's all.

19 MR. DEVILLE: Just a quick response. As
20 far as the double checking with those calculations,
21 that is stipulated by Stark County Subdivision
22 Engineers and the Ohio EPA and United States Corps
23 of Engineers. And a little different scenario, and
24 I don't want to get into what-ifs, but that's a
25 situation where the water is running out onto a

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(330) 332-DEPO (3376)

1 talk about single family homes in there. If single
2 family homes went in there, there would be
3 retention basins. There would be the same level
4 that we're talking about is really put in place to
5 protect all the citizens in Stark County. And then
6 on top of that, there's layers through Rich Rohn's
7 office, through Soil Conservation District, through
8 the Ohio EPA, through the Army Corps, you probably
9 know there's many layers that go into getting one
10 of these projects approved.

11 MR. DEMANGEONT: Could I rebut now?

12 MR. HAWKE: Can you come up and put your
13 name. We want to try and keep all the names and
14 everything in.

15 MR. DEMANGEONT: Joe DeMangeont and I'm
16 addressing the Trustees. The reason why I'm so
17 concerned about that, if you are familiar with
18 Everhard Road as it heads down to the intersection
19 of Hills & Dales, right there, right before that
20 there's a new development up in the northwest part.

21 MR. VACCARO: Glendale.

22 MR. DEMANGEONT: Glendale. And Everhard
23 goes dipping down right before it gets to that
24 light. Well, I don't know, four, five weeks ago it
25 rained like hell, rained for four or five days, and

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1 street. In this situation that we have, all the
2 water that's running out on, or off of the street
3 is literally running into our property. Off of
4 Dellwood, off of Trillium, off of the entrance.
5 Everything off of Brunnerdale is coming down
6 through that creek, through that storm system, the
7 storm water system that runs through our property,
8 so a major difference there. But to his point, the
9 engineering on that is checked, double checked and,
10 John, correct me if I'm wrong, but it's something
11 that's engineered to retain, I'm just pulling a
12 number out of my hat, 1,000 or whatever, 10,000
13 cubic feet of water; if those are the stipulations,
14 I'll guarantee you as you're sitting here tonight
15 that it's engineered to retain much more than that.
16 So it's overengineered I guess is my point for
17 protection.

18 And then there were a few comments relative
19 to property values, the sale of housing. Jim, if
20 you could maybe approach those.

21 MR. CAMP: Thank you. Jim Camp with Cutler
22 Real Estate, 4618 Dressler Road, Jackson Township.
23 I guess I just want to address, because there seems
24 to be a feeling that we should only have one kind
25 of housing. And I will agree with the folks who

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1 have said that over the years Jackson Township has
 2 done a great job of providing different
 3 opportunities for housing. Now, I've only lived in
 4 Jackson for 40 years, but during that time I have
 5 seen us provide housing for, because not everybody
 6 wants to live in big single family houses on four
 7 acres of ground or something like that.

8 My daughter has lived in Jackson Township
 9 also for 40 years. During that time she grew up in
 10 a single family home, then she moved to an
 11 apartment, then she moved to a duplex. Now she
 12 lives in a single family home. After 40 years in
 13 the Township, in a two-story, now a split level,
 14 I'd like to stay in Jackson Township, but at some
 15 point in time my knees aren't going to work as well
 16 as they do now. So when I'm -- if the good Lord
 17 gives me 80 years, I'd like to be living in a ranch
 18 at that time. I'd like to live in a villa. And
 19 there are not a lot of spots in the Township where
 20 it would make sense to build condominiums similar
 21 to what Don Deville is proposing here. This is one
 22 of those spots.

23 And I would also say that with residential
 24 housing, there would be more traffic issues even if
 25 there were fewer cars. I put one of my neighbors

INDEPENDENT REPORTING SERVICE
 (330) 332-DEPO (3376)

1 almost 30 years here, no decision's ever been made
 2 that I know of based on what the valuation is going
 3 to be on resale. That's not their job. I've never
 4 known a Trustee to make that decision, but if you
 5 want to answer that question.

6 MR. CAMP: Sure, I'd be happy to. So one
 7 of the things, if you build single family homes
 8 there, they would be less expensive single family
 9 two-story homes, if that's what we want to build,
 10 because somebody that wants to build a high end
 11 single family house doesn't want 23,000 cars
 12 passing in front of it. The folks in Deer Trace
 13 didn't like 23,000 cars passing their property, so
 14 they had a -- somebody did, the state paid for a
 15 concrete wall to be built ten feet, thirteen feet
 16 high, whatever that is, at a million dollars a
 17 mile, and I helped pay for that and all of us paid
 18 for that, because that was paid for by the tax
 19 payers. Ideally, the zoning on that property would
 20 have been condominiums or duplexes, just like they
 21 are in Brookshire Hills, where it's perfect step
 22 down zoning. You have apartments and some
 23 condominiums, then you have duplexes, then you have
 24 single family homes the further you go away from
 25 that high traffic, you know, area. And none of

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 (330) 332-DEPO (3376)

1 on a plane two days ago and they're going to
 2 Florida for four months. There will not be, except
 3 for somebody occasionally checking on the house and
 4 a police car driving by, there are not going to be
 5 any cars coming in and out of that house. So the
 6 condominiums that Don is proposing are going to put
 7 the least pressure as far as traffic is concerned,
 8 because these are going to appeal to folks who are
 9 55 and over. It also will put less pressure as far
 10 as the schools are concerned, because, you know,
 11 the market for this is single individuals, is Empty
 12 Nester couples. It is not a market for kids. But
 13 it is providing for those of us that are now
 14 grandparents and would like to stay in the same
 15 school system that our grandchildren are in. So
 16 there's definitely a market for it and I believe
 17 it's a great program.

18 MR. GONZALEZ: Let me interrupt you for a
 19 question. The question was, because I wrote it
 20 down.

21 MR. CAMP: Okay.

22 MR. GONZALEZ: Is, did anybody check what
 23 the valuation would be for single family homes
 24 versus building the condominiums. Then before you
 25 answer that, I want to be clear. I've never in

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 (330) 332-DEPO (3376)

1 those have shown any tendency as far as the houses
 2 sell fast, the condominiums sell fast, the
 3 apartments are probably above 90% occupancy, but
 4 it's giving a range for everybody that wants to
 5 live in the Township. It's giving them a place, a
 6 nice place to live.

7 MR. GONZALEZ: From my perspective as the
 8 fiscal officer, what they built there, the
 9 valuation, they could do it either way; they could
 10 build the houses and get enough houses in that,
 11 probably not as much if they're going to get 22,
 12 what did you say 22 million valuation?

13 MR. DEVILLE: 21 approximately.

14 MR. GONZALEZ: Again, I don't believe
 15 that's part of the deciding factor for these guys,
 16 but I'm sure they'll address that.

17 MR. Camp: Yeah. Well, unfortunately, one
 18 of the things that I've seen is because the lack of
 19 this type of housing in Jackson Township, friends
 20 of mine who lived in Jackson Township for 74 years
 21 moved out of Jackson Township. They were both
 22 teachers in the Jackson Township schools and they
 23 now live in North Canton, because they couldn't
 24 find anything in Jackson Township.

25 MR. GONZALEZ: I know who that is.

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 (330) 332-DEPO (3376)

1 MR. CAMP: Yes, you do. Thank you. I
2 would entertain any questions. Did I answer
3 everything? Thank you.

4 MR. DEVILLE: Any other questions from
5 anybody in the audience? Go ahead.

6 MS. BUETTELL: Launa Buettell. No one's
7 covered how much is the terrain itself, the
8 topography of the property, going to be changed;
9 how much of it's going to be raised or whatever.

10 MR. DEVILLE: We actually, with the general
11 development plan, we also submit existing and
12 proposed grading plans. Those can change and
13 alter, but those are submitted and part of the
14 general development plan. And how much that's
15 going to change, basically the roadway, the main
16 roadway coming in off of Brunnerdale, John, correct
17 me if I'm wrong, I believe it has between a three
18 and a half and four percent slope coming in once it
19 passes the intersection there, all sloping down to
20 that gas easement right there. We cannot change
21 the grade overtop of that gas easement at either
22 intersection of the street there, the one down
23 below that unit. So both those streets have to be
24 maintained relatively close to that gas easement
25 existing elevation. And again, correct me if I'm

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(330) 332-DEPO (3376)

1 wrong, John, but I believe we can only add to that
2 by a foot and a half, two feet, maybe three feet at
3 the most. We're not even close to doing that.
4 But then the grade from that gas easement east goes
5 down another grade slope, so we're really not
6 changing the grade dramatically or the topography
7 dramatically on this site except for the very end
8 cul-de-sac there by the duplex, or the two-unit
9 there, Nick, on the corner. Yeah, that one right
10 there. That's the lowest point of the project.
11 That's why the retention basin is just opposite
12 that, because all the water coming through the
13 storm sewers, which is something I neglected to
14 present tonight. All the streets are paved,
15 asphalt streets, with curb and gutters, so that
16 therefore, we're collecting all that off there.
17 We're not dumping into the existing storm sewer
18 system; we're creating our own to go into that, so
19 it's not going directly into the existing storm
20 system and right into Sippo Creek. We have to
21 divert it and take it right into both those
22 detention basins, which John had mentioned there's
23 a certain amount of water quality control that's
24 incorporated within that. So hopefully that
25 answers your question.

INDEPENDENT REPORTING SERVICE
(330) 332-DEPO (3376)

1 MS. BUETTELL: What kind of -- how much --
2 what will you raise that? Launa Buettell.

3 MR. DEVILLE: I don't know the exact
4 footage. If I recall, right now, in fact, I just
5 asked John this today, the grade at that easement
6 again, the gas line easement right there, is
7 approximately, I think four or five feet higher
8 than that grade over there. So we're actually not
9 raising it much, right even at the cul-de-sac. Or
10 not the cul-de-sac, but right at the curb there. I
11 don't know what that grade really is. And again,
12 those are proposed, those can change, but it's not
13 as if we're bringing in 20 feet of fill there and
14 adding to that. We're not doing that at all.

15 Now, again, it does drop off there, as you
16 can see, right around it, and those lines around
17 the retention basin, those are actually going up to
18 retain that, so it's coming off the back of those
19 buildings, going down to kind of a little swale
20 there, and then going back up on that detention
21 basin to hold the water. But all that is filtered
22 into the retention basin.

23 MS. BUETTELL: Okay. I've got one more
24 question.

25 MR. DEVILLE: Sure.

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(330) 332-DEPO (3376)

1 MS. BUETTELL: Launa Buettell. So you're
2 saying that the back part of your lot, besides the
3 retention basin, okay, water follows gravity,
4 gravity goes downward. If you build it up, it's
5 going to go down the hill. And with the retention
6 basin, that run-off, are you going to have the edge
7 of the property built up so that run-off doesn't go
8 into all the surrounding neighbors' yards? That's
9 my question.

10 MR. DEVILLE: John, I'll let you answer
11 that. Or I can answer it. But go ahead. I'll let
12 you give the engineering on that.

13 MR. HAWKE: Oh, you're going to get Geeky
14 on us.

15 MS. BUETTELL: Put your Geek on.

16 MR. WALSH: All the site's going to be
17 diverted with those retention basins. There's no
18 water that's going to drain onto the neighbors to
19 the south. I mean, we've left almost 200 --
20 there's a 200 foot gap of green space in the open
21 space, that area's not going to be touched or
22 changed at all. So there's no intention to drain
23 anything on the neighbors to the south, but the
24 folks that live, I guess west of that little
25 cul-de-sac, the general topography flows from

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1 Brunnerdale to the east, so all those folks are
2 higher than us, we're not draining anything on
3 them. In fact, we're catching the run-off that
4 comes off the back of their units. So then
5 everything's going to go into the retention basins
6 and then from there into the wetlands and the
7 stream and really drain where it drains now.

8 MR. DEVILLE: Any other questions from the
9 Trustees or anybody at the front panel?

10 MR. HAWKE: I do have one, only because I
11 noticed a couple folks look a little funny when you
12 brought up this exhibit.

13 MR. DEVILLE: Yes.

14 MR. HAWKE: Facial expressions on this one.
15 This is not a permanent fence?

16 MR. DEVILLE: No. No. No.

17 MR. HAWKE: I wanted to make sure that I
18 was not missing something completely. There were a
19 few looks when you put this up there.

20 MR. DEVILLE: Right.

21 MR. HAWKE: Yeah, I agree, that's what I
22 want sitting in my back yard. These are
23 construction sediment fences, correct?

24 MR. DEVILLE: Yes, exactly. And in
25 addition to that, and again, we show it on the

INDEPENDENT REPORTING SERVICE
(330) 332-DEPO (3376)

1 plan, but it's not obviously shown on that, but
2 again, the buffer zone there, that's another, I
3 guess not concern, but question I posed to some of
4 the residents I spoke with along the, so our
5 southern property line, is, would they rather see a
6 fence there - not like that - but a fence there, or
7 would they rather see shrubbery, trees there.
8 Their answer, and don't take this as everybody's
9 answer, only the people that I spoke with, was that
10 they prefer trees, either deciduous or conifers.
11 That's my preference, too, but, again, I can amend
12 that, I can look at that, but that's what's
13 intended right now.

14 MR. HAWKE: And these fences are monitored
15 by Stark Soil & Water to make sure they maintain
16 that. I will correct one thing. It won't be
17 Mr. Rohn anymore, because we just hired him.

18 MR. DEVILLE: He was the most accommodating
19 guy I spoke with down in Stark County.

20 MR. HAWKE: He is a great guy.

21 MR. DEVILLE: Well, that's good. That's
22 good for the Township. So with that, again, as I
23 kind of started out, I'd invite anybody, I know
24 it's late, but after this meeting closes, if you
25 want to come up, talk about this more, if anybody's

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(330) 332-DEPO (3376)

1 interested on sitting on that discussion platform
2 with Stark County Engineers and Stark Soil & Water,
3 without Mr. Rohn, in regards to Sippo Creek, put
4 your name down, a phone number. If you want to
5 call me, I'm more than happy to talk with you and
6 talk through any other concerns you might have, but
7 we've taken up enough of everybody's time. So I
8 appreciate that.

9 MR. GONZALEZ: Any longer, you're ordering
10 Domino's for everybody.

11 MR. DEVILLE: That's okay. I'll do that.
12 So thank you.

13 MR. HAWKE: And with that, we'll close the
14 section for rebuttal. I'll open the floor for
15 comments from the Board. Anyone?

16 MR. PIZZINO: Well, first of all, I want to
17 thank everybody for coming. It's great to see
18 there's not 250 people here. I mean, when I count
19 25 people basically in the audience, I know you've
20 done your due diligence, but there's still some
21 questions and, you know, and I appreciate you
22 asking them to see you after the hearing and
23 discuss whatever concerns they have. Seeing that
24 there, I think there's a couple legal questions
25 that have come up this evening and I would like to

INDEPENDENT REPORTING SERVICE
(330) 332-DEPO (3376)

1 get with Mr. Vaccaro or get with somebody if he
2 can't answer a question and also give them time to
3 talk to Mr. Deville, and I think it would be -- I
4 think we should probably continue this hearing and
5 give people a chance to talk to Mr. Deville and
6 also I want to check a few things, like her
7 drainage problem. Whatever Mr. Deville, or if they
8 don't do anything, it's not going to help your
9 drainage problem.

10 MS. BUETTLELL: Exactly, I know.

11 MR. PIZZINO: I've been there a number of
12 times in front of the Parkdale allotment in front
13 of Glenmoor and Brunnerdale Road and unfortunately,
14 they use pretty much your back yard for a detention
15 pond. It probably wasn't set up that way, or it
16 might have been set up that way 35 years ago, but
17 to answer a lot of your questions, Glenmoor was
18 developed around 1990, you know, the regulations
19 have changed greatly over the last 30 years.

20 MS. BUETTLELL: Right.

21 MR. PIZZINO: So I hope the County has
22 improved the drainage plans, and you've probably
23 seen it in the way they do drainage, but here or
24 there, I think unless you want to vote on it
25 tonight, it's up to you two.

INDEPENDENT REPORTING SERVICE
(330) 332-DEPO (3376)

1 MR. WALTERS: I'm certainly open to giving
2 this a little more time to look into some of these
3 questions, get some clarification. It's a lot of
4 information to continue to take in and consider.
5 So comments to the contrary, I haven't made up my
6 mind yet, and a little more time could be helpful
7 in that. So I'm certainly open to that.

8 MR. HAWKE: As am I. I mean, obviously you
9 made some amendments to the program. We're looking
10 at it. We're sort of listening to the pieces and
11 parts you're putting together with it. There I
12 think are definitely some pros and cons to
13 everything we have here. So the question is, where
14 do they lay with that situation and how do they lay
15 out, you know, I've seen things work well in
16 situations where they're intermixed. I graduated
17 from college and I lived in a duplex rental in a
18 neighborhood. My neighbors in my back yard were
19 homeowners. We got along great. To be honest with
20 you, a few of them would probably tell you I was a
21 better neighbor than some of their other neighbors
22 that owned their house. But that's not in this
23 area, different location, but we got along fine.
24 So the question that we still have to answer,
25 though, or some of the legal questions that

INDEPENDENT REPORTING SERVICE
(330) 332-DEPO (3376)

1 now for the 19th, so we have to clarify that.

2 MR. GONZALEZ: The meeting is set for the
3 19th.

4 AUDIENCE MEMBER: How about January?

5 MR. PIZZINO: We only have so many days.

6 MR. HAWKE: There's not going to be any
7 comments if you're not going to come up and give
8 your name. I don't want to hear things yelled out.

9 MR. GONZALEZ: It was tentatively the 23rd.

10 MR. HAWKE: Obviously we're working around
11 the holiday.

12 MR. GONZALEZ: Right.

13 MR. PIZZINO: Mike, what's the --

14 MR. VACCARO: So 20 days from today puts
15 you at December 30, end of business. 20 days from
16 today by the statute you have to make the decision.

17 MR. HAWKE: We have to make a decision
18 within the next 20 days.

19 MR. PIZZINO: I thought it was from the
20 time we --

21 MR. GONZALEZ: You're going to move the
22 19th to the 23rd?

23 MR. PIZZINO: 23rd.

24 MR. HAWKE: That's almost the normal.
25 Obviously the next meeting can't be the 24th,

INDEPENDENT REPORTING SERVICE
(330) 332-DEPO (3376)

1 Mr. Pizzino pointed out, I would like to take a
2 little bit of time to digest all of the
3 information - obviously there's a lot tonight -
4 make sure that I don't have anymore questions
5 before I come up with final thoughts in where we
6 are on that situation. So I think we all owe that
7 to everybody in the situation.

8 I read the transcripts and I hear people
9 talk about how many hours. We have to sit here as
10 long as we have to to get through it, but it has
11 been several -- my brain can only sustain so much,
12 so I need to go get off that for a minute and kind
13 of take a step back and do that. So I would agree
14 with that as well. So at that point, if everyone's
15 good with that, I'll make a motion to continue the
16 hearing to --

17 MR. VACCARO: It was scheduled for the
18 19th.

19 MR. HAWKE: Do we need to change the
20 meeting?

21 MR. VACCARO: So you have to decide
22 whether you're changing the regularly scheduled
23 meeting for the 19th. Might have to address that
24 first, then come back and make a motion.

25 MR. WALTERS: It's still scheduled right

INDEPENDENT REPORTING SERVICE
(330) 332-DEPO (3376)

1 unless you all want to come and hang out with me
2 for Christmas.

3 MR. PIZZINO: Somebody wrap Christmas
4 presents.

5 MR. HAWKE: Are we moving the 19th?

6 MR. VACCARO: That's totally your --

7 MR. WALTERS: Yeah, I think so.

8 MR. PIZZINO: Yeah, 19th.

9 MR. WALTERS: Do that first.

10 MR. VACCARO: Here's your motion.

11 MR. HAWKE: Hey, look, there's blanks on
12 that. I want to do it on the 24th.

13 MR. WALTERS: Make your motion. You'll get
14 a second.

15 MR. HAWKE: So I'll make a motion to set
16 the, this is -- so we'll take a recess from the
17 hearing.

18 MR. WALTERS: 30 seconds.

19 MR. HAWKE: I'll make a motion to amend the
20 Board of Trustees regularly meeting scheduled as
21 follows: The December 19, 2019 meeting shall be
22 cancelled and rescheduled to December?

23 MR. VACCARO: 23rd.

24 MR. HAWKE: 23rd. At?

25 MR. VACCARO: 4 p.m.?

INDEPENDENT REPORTING SERVICE
(330) 332-DEPO (3376)

1 MR. HAWKE: Normal time, 4 p.m. executive
 2 session, 5 p.m. general session, and we've got to
 3 set a time for this hearing.
 4 MR. WALTERS: Second.
 5 MR. GONZALEZ: All in favor say aye.
 6 MR. HAWKE: Aye.
 7 MR. PIZZINO: Aye.
 8 MR. WALTERS: Aye.
 9 MR. PIZZINO: Then we'll continue the
 10 hearing to the same date at 5:30.
 11 MR. WALTERS: Second.
 12 MR. PIZZINO: I make that motion.
 13 MR. WALTERS: I still second.
 14 MR. HAWKE: Did you get that?
 15 MR. GONZALEZ: Mr. Hawke?
 16 MR. HAWKE: Yes.
 17 MR. GONZALEZ: Mr. Walters?
 18 MR. WALTERS: Yes.
 19 MR. GONZALEZ: Mr. Pizzino?
 20 MR. PIZZINO: Yes.
 21 MR. VACCARO: So that was to December 23rd.
 22 MR. GONZALEZ: December 23rd at 5:30.
 23 MR. HAWKE: We've continued the hearing to
 24 the next Trustees meeting, which is scheduled for
 25 Monday the 23rd at 5 p.m. is the Trustees meeting,

INDEPENDENT REPORTING SERVICE
 (330) 332-DEPO (3376)

1 but the hearing is scheduled for 5:30 p.m. You're
 2 more than welcome to come at 5 for the general
 3 business, but we'll do this hearing at 5:30.
 4 MR. DEVILLE: And then procedurally does
 5 that meeting go as this one does?
 6 MR. HAWKE: No. That meeting will go with
 7 basically just our comments and if we have
 8 questions for you from us.
 9 MR. DEVILLE: Okay. So there's no
 10 questions of us or comments?
 11 MR. PIZZINO: From us there could be
 12 questions.
 13 MR. WALTERS: From us.
 14 MR. DEVILLE: Okay. That's fine, but
 15 there's no public outcry?
 16 MR. HAWKE: No. You can have all the
 17 questions you need with the folks afterwards if you
 18 need to do that.
 19 MR. DEVILLE: Yeah.
 20 MR. HAWKE: And if you have something you
 21 need to get to us at that point, we'll ask you.
 22 I'll ask you again if there's any other things you
 23 need to give to us.
 24 MR. DEVILLE: We'll give it to you at that
 25 point, not before?

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1 MR. HAWKE: Right.
 2 MR. PIZZINO: We'll give you the
 3 opportunity to talk to us.
 4 MR. DEVILLE: Oh, yeah.
 5 MR. PIZZINO: There's some questions out
 6 there.
 7 MR. DEVILLE: Sure.
 8 MR. VACCARO: You need to close the
 9 hearing.
 10 MR. HAWKE: No, I didn't close the hearing.
 11 I haven't closed the hearing yet, so I'll make a
 12 motion to close the hearing with the --
 13 MR. GONZALEZ: We've continued the hearing.
 14 We haven't closed the hearing. We've continued the
 15 hearing.
 16 MR. WALTERS: We have closed the public
 17 input and we've continued the remainder of the
 18 hearing.
 19 MR. HAWKE: Correct.
 20 MR. VACCARO: I'm just being clear for the
 21 record. Thank you.
 22 MR. HAWKE: I'll make a motion we close all
 23 public comment for this hearing.
 24 MR. WALTERS: Second.
 25 MR. GONZALEZ: For and against. Mr. Hawke?

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1 MR. HAWKE: Yes.
 2 MR. GONZALEZ: Mr. Pizzino?
 3 MR. PIZZINO: Yes.
 4 MR. GONZALEZ: Mr. Walters?
 5 MR. WALTERS: Yes.
 6 MR. HAWKE: Is that good for you?
 7 MR. VACCARO: Thank you.
 8 MR. WALTERS: And we've already continued
 9 the hearing until the 23rd.
 10 MR. HAWKE: Sure.
 11 MR. VACCARO: Correct.
 12 MR. WALTERS: At 5:30.
 13 MR. DEMANGEONT: My name is Joe DeMangeont
 14 for the record. I just wanted to clarify a
 15 clarification. Mr. Walters, you're going to -- I
 16 don't know when you'll not be in office.
 17 MR. WALTERS: December 31st.
 18 MR. DEMANGEONT: Okay. The question I
 19 have, does this whole deal have to be settled by
 20 December 31st?
 21 MR. PIZZINO: Yes.
 22 MR. WALTERS: I don't know that that's the
 23 case.
 24 MR. DEMANGEONT: If it is, can it go into
 25 January, when the new Trustee takes his place?

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1 That's what I want clarified. I don't know that
 2 you've got an answer for that.
 3 MR. HAWKE: we do.
 4 MR. VACCARO: The Board just finished
 5 taking public testimony. They have closed out that
 6 part of the hearing, right?
 7 MR. DEMANGEONT: Right.
 8 MR. VACCARO: So based on that, the
 9 statute's very clear. By the way, it's 512.05H I
 10 think, off the top of my head. The next step, they
 11 have 20 days to render a decision. If you count
 12 out 20 days from today, that takes you to December
 13 30.
 14 MR. DEMANGEONT: Okay.
 15 MR. VACCARO: Okay. They've now said
 16 they're going to make their decision before
 17 December 30. They're coming back December 23rd at
 18 5:30 to make their decision.
 19 MR. DEMANGEONT: So that means you decide
 20 before Mr. Walters is out of office?
 21 MR. HAWKE: we have to.
 22 MR. VACCARO: By law.
 23 MR. HAWKE: By law.
 24 MR. VACCARO: It has nothing to do with
 25 Mr. Walters. It has to do with when the hearing

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1 C E R T I F I C A T E
 2 STATE OF OHIO)
 3 STARK COUNTY)
 4 I, Deanna Gleckler, a Registered
 5 Professional Reporter, Certified Realtime Reporter, and
 6 Notary Public in and for the State of Ohio, duly
 7 commissioned and qualified, do hereby certify that the
 8 within meeting was by me reduced to Stenotypy and
 9 afterwards transcribed upon a computer, and that the
 10 foregoing is a true and correct transcription of the
 11 testimony so given as aforesaid.
 12 I do certify that this Meeting was taken at
 13 the time and place in the foregoing caption specified. I
 14 do further certify that I am not a relative, counsel or
 15 attorney of either party, or otherwise interested in the
 16 event of this action.
 17 IN WITNESS WHEREOF, I have hereunto set my
 18 hand and affixed my seal of office at Salem, Ohio on this
 19 19th day of December, 2019.
 20
 21 _____
 22 DEANNA GLECKLER, RPR-CRR, Notary Public
 23 My commission expires 1-6-20.
 24
 25

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1 took place.
 2 MR. HAWKE: It has to be 20 days from then.
 3 MR. DEMANGEONT: Thank you.
 4 MR. VACCARO: All right.
 5 MR. HAWKE: Any other new business? Any
 6 other old business? I make a motion to adjourn.
 7 MR. WALTERS: Second.
 8 MR. GONZALEZ: All in favor.
 9 MR. WALTERS: Aye.
 10 MR. HAWKE: Aye.
 11 MR. PIZZINO: Aye.
 12
 13 - - - - -
 14
 15 (Hearing adjourned at 8:30)
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