

RECORD OF PROCEEDINGS

MINUTES OF JACKSON TOWNSHIP BOARD OF TRUSTEES MEETING

DECEMBER 23, 2019

Hawke called the meeting to order at 3:36 p.m. at the Jackson Township Hall with all Trustees, Fiscal Officer, Vaccaro and Brink present.

Hawke moved and Walters seconded a motion to go into Executive Session for Police Department Personnel (Appointment/Employment/Compensation) – Interview Candidate for Part-time Police Patrol Officer. **3-0 yes**

Hawke moved and Walters seconded a motion to go into Executive Session for Police Department Personnel (Appointment/Employment/Compensation) – Interview Candidates for Lieutenant. **3-0 yes**

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

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

Hawke moved and Pizzino seconded a motion to go into Executive Session to consider the sale of property the premature disclosure of information would give an unfair competitive or bargaining advantage to a person whose personal or private interest is adverse to the general public interest. **3-0 yes**

Upon return from Executive Session at 5:13 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

ATTACHMENT 12/23/19 A

Hawke moved and Walters seconded a motion to accept the attached resignation from Full-time Police Patrol Officer and Constable, Jackie Ecrement, effective January 1, 2020 at 08:00 hours. **3-0 yes**

**RESOLUTION 19-298, ATTACHED
VEHICLE EQUIPMENT PURCHASE**

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 Hall Public Safety Upfitters for the purchase of the attached listed equipment with installation in the amount of \$13,239.99.

3-0 yes

Administration Department

ATTACHMENT 12/23/19 B

Hawke moved and Pizzino seconded a motion to approve the appropriation transfer request from account code 329.110.5387, Discretionary, to account code 329.110.5767, Greens at Belden – GF Capital, in the amount of \$281,210.00 and from account code 329.110.5765, Amphitheater – GF Capital, to account code 329.110.5767, Greens at Belden – GF Capital, in the amount of \$411,852.22.

3-0 yes

**RESOLUTION 19-299, ATTACHED
HEALTH DISTRICT MOU**

Hawke moved and Walters seconded a motion that we hereby adopt and authorize the placement of our signatures upon the attached Memorandum of Understanding with the Stark County Combined General Health District.

3-0 yes

ATTACHMENT 12/23/19 C

Hawke moved and Walters seconded a motion to dissolve the Highway/Traffic Citizens Advisory Committee effective December 31, 2019.

3-0 yes

ATTACHMENT 12/12/19 D

Hawke moved and Pizzino seconded a motion not to request a hearing on the liquor license to First Watch Restaurants Inc. dba First Watch, 5075 Dressler Rd., Canton, Ohio 44718.

3-0 yes

Public Works Department

Highway Division

ATTACHMENT 12/23/19 E

Hawke moved and Pizzino seconded a motion to approve Budget Module 2019-46 for Keck Park Circle in the amount of \$3,128.00.

3-0 yes

ATTACHMENT 12/23/19 F

Hawke moved and Walters seconded a motion to approve the appropriation transfer request from account code 317.310.5387, Discretionary, to account code 317.333.5712, Keck Road Utilities, in the amount of \$3,128.00.

3-0 yes

ATTACHMENT 12/23/19 G

Hawke moved and Walters seconded a motion to approve Budget Module 2019-47 for Keck Park Circle in the amount of \$35,854.00.

3-0 yes

ATTACHMENT 12/23/19 H

Hawke moved and Walters seconded a motion to approve Budget Module 2019-48 for Strip Avenue Extension in the amount of \$7,098.00. **3-0 yes**

ATTACHMENT 12/23/19 I

Hawke moved and Pizzino seconded a motion to approve the appropriation transfer request from account code 317.310.5387, Discretionary, to account code 317.333.5714, Keck Road Mgmt., in the amount of \$35,854.00 and from account code 317.310.5387, Discretionary, to account code 317.320.5714, Strip Ave. Extension Mgmt., in the amount of \$7,098.00. **3-0 yes**

Park Division

ATTACHMENT 12/23/18 J

Hawke moved and Walters seconded a motion to accept the attached resignation from Full-time Park Crew Leader, Andrew Haas, effective January 10, 2020 at 08:00 hours. **3-0 yes**

Hawke moved and Walters seconded a motion to accept a donation of \$1,250.00 from the E. A. Mahoney Foundation for new soccer fields at Tam O’Shanter. **3-0 yes**

Central Maintenance Division

ATTACHMENT 12/23/19 K

Hawke moved and Walters seconded a motion to approve the appropriation transfer request from account code 101.115.5220, Hospitalization, to account code 101.115.5212, Pension Employer, in the amount of \$4,277.50. **3-0 yes**

**RESOLUTION 12-300, ATTACHED
DISPOSITION OF TOWNSHIP PROPERTY**

Hawke moved and Walters seconded a motion whereas, ORC Section 505.10(A) permits the Board of Trustees of Jackson Township to adopt by resolution a list of personal property that is not needed for public use, or is obsolete or unfit for the use for which it was acquired, and to discard the personal property that has no value and;

Be it resolved, and pursuant to, ORC Section 505.10(A)(7), we hereby find that the attached list of Dell Electronics are no longer needed for the use it was originally acquired, said equipment has no value and is unfit for use, and authorizes the discarding of the items listed. **3-0 yes**

Fire Department

**RESOLUTION 19-301, ATTACHED
EMERGENCY MANAGEMENT ASSISTANCE COMPACT – INTERGOVERNMENTAL AGREEMENT**

Hawke moved and Walters seconded a motion that in accordance with Ohio Revised Code Sections 5502.22, 5502.29, 5502.291 and 5502.40 we hereby authorize the Administrator/Law Director, Michael B. Vaccaro, to sign the attached Intergovernmental Agreement between Jackson Township and the Ohio Emergency Management Agency. **3-0 yes**

RESOLUTION 19-302, ATTACHED

Hawke moved and Walters seconded a motion that pursuant to ORC Section 146.03, we hereby elect Ted R. Heck and Lee Antonacci to be members of the 2020 Volunteer Fire Fighters Dependents Fund Board. **3-0 yes**

Zoning & Planning Department

ATTACHMENT 12/23/19 L

Hawke moved and Pizzino seconded a motion to appoint John Weston to serve as a member of the Jackson Township Zoning Commission for a five-year term, from January 1, 2020 through December 31, 2024. **3-0 yes**

ATTACHMENT 12/23/19 M

Pizzino moved and Walters seconded a motion to appoint Justin J. Gantz to serve as Alternate Member 1 of the Jackson Township Zoning Commission for a one-year term, from January 1, 2020 through December 31, 2020. **3-0 yes**

Pizzino moved and Walters seconded a motion to appoint Rich Cosgrove to serve as Alternate Member 2 of the Jackson Township Zoning Commission for a one-year term, from January 1, 2020 through December 31, 2020. **3-0 yes**

ATTACHMENT 12/23/19 N

Pizzino moved and Walters seconded a motion to appoint Charles Rohr to serve as a member of the Jackson Township Board of Zoning Appeals for a five-year term, from January 1, 2020 through December 31, 2024. **3-0 yes**

ATTACHMENT 12/23/19 O

Pizzino moved and Walters seconded a motion to appoint Jared Singer to serve as Alternate Member 1 of the Jackson Township Board of Zoning Appeals for a one-year term, from January 1, 2020 through December 31, 2020. **3-0 yes**

Pizzino moved and Walters seconded a motion to appoint Deborah Busby to serve as Alternate Member 2 of the Jackson Township Board of Zoning Appeals for a one-year term, from January 1, 2020 through December 31, 2020. **3-0 yes**

Fiscal Office

ATTACHMENT 12/23/19 P

Hawke moved and Pizzino seconded a motion to pay the bills in the amount of \$1,671,373.09. **3-0 yes**

ATTACHMENT 12/23/19 Q

Hawke moved and Pizzino seconded a motion to approve the minutes of the December 10, 2019 Board of Trustees' meeting. **3-0 yes**

ATTACHMENT 12/23/19 R

Hawke moved and Pizzino seconded a motion to approve the following appropriation transfer request for a total of \$57,081.98.

From Code	Description	To Code	Description	Amount
101.110.5210	Pension P/U-Admin	101.110.5220	Hospitalization	\$1,132.14
101.110.5299	Discretionary P/S-Admin	101.110.5220	Hospitalization	\$2,904.64
101.111.5802	Health District Admin	101.111.5816	Muni Court Exp Share	\$1,112.76
101.150.5466	Bonding Ins – Fiscal	101.150.5656	Inventoried Equipment	\$2,876.24
209.250.5396	Veh Maint & Rep-Police	209.250.5448	Services-Police	\$2,616.71
209.2505396	Veh Maint & Rep-Police	209.250.5387	Discretionary-Police	\$5,000.00
210.210.5220	Hospitalization-Fire	210.210.5212	Pension Employer-Fire	\$41,439.39

3-0 yes

ATTACHMENT 12/23/19 S

Hawke moved and Walters seconded a motion to approve the 2020 Permanent Appropriations of \$49,149,900.23 by department and within each, the amount for personal services as attached.

3-0 yes

**RESOLUTION 19-303, ATTACHED
DEPOSITORY AGREEMENTS**

Hawke moved and Walters seconded a motion whereas, Ohio Revised Code section 135.12 requires the Board of Trustees of Jackson Township to designate public depositories for the deposit of monies.

Be it resolved that we hereby approve and adopt the attached list of Depository Agreements for the Deposit of Public Funds on behalf of the Township effective January 1, 2020 and terminating on December 31, 2024.

3-0 yes

Gonzalez explained that there were no expenditures regarding the Stolle Machine JEDD and this is for the distribution to Fire, Police and Highway.

**RESOLUTION 19-304, ATTACHED
JOINT ECONOMIC DEVELOPMENT DISTRICT INCOME TAX REVENUE
DISTRIBUTION PRIORITY**

Hawke moved and Walters seconded a motion pursuant to attached ORC Section 715.72 (prior to September 13, 2016: ORC Sections 715.72 to 715.81), we hereby amend attached Resolution Number 16-166, effective December 23, 2019, as follows:

We hereby authorize that any income tax monies received for any Joint Economic Development District (JEDD) Contract that we are a party to be distributed in the following order:

1. To the obligations of the JEDD contract.
2. To each department which expended funds for the improvement and/or construction of public infrastructure associated with the specific JEDD project. Funds shall be split equally until all affected departments are paid in full.

3. Split equally and deposited into the Fire Department and Police Department receipt codes established by the Fiscal Officer. **3-0 yes**

**RESOLUTION 19-305, ATTACHED
2019 JEDD TAX DISTRIBUTION**

Hawke moved and Pizzino seconded a motion that we hereby approve a transfer of the JEDD income taxes received totaling \$91,398.52 from General Fund codes 101.111.5965, 101.111.5958, and 101.111.5959 to Police Capital Fund 315 (receipt code 315..4991) in the amount of \$45,243.07 and the Fire Capital Fund 328 (receipt code 328..4991) in the amount of \$45,243.08 and the Highway Capital Fund 317 (receipt code 317..4991) in the amount of \$912.37. **3-0 yes**

ATTACHMENT 12/23/19 T

Hawke moved and Pizzino seconded a motion to approve the Then & Now Certificate to Civica CMI in the amount of \$19,940.63. **3-0 yes**

Zoning & Planning Department

ATTACHMENT 12/23/19 U

Public Hearing – Deliberation and Decision on 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 SE corner of Hills & Dales and Brunnerdale, Sect. 35 NW, Jackson Twp.

Hawke explained that this is for the Trustee’s deliberation only; there will be no input from either side. There were five people in attendance against the amendment.

See court recorder’s transcript.

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

Hawke	yes
Walters	yes
Pizzino	no

There was a question whether the vote had to be unanimous. Vaccaro pointed out that “if the board denies or modifies the commission’s recommendations, a majority vote of the board shall be required”.

Hawke moved and Walters seconded a motion to close the hearing. **3-0 yes**

Routine Business

Announcements

- Next regular Board of Trustees’ meeting, January 14, 2020, 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 Meeting:
 - Board of Zoning Appeals, January 9, 2020, 5:00 p.m., Jackson Township Hall.
 - Zoning Commission, none scheduled.

Old Business – None

New Business

RESOLUTION 19-306, ATTACHED

POLICE DEPARTMENT PART-TIME POLICE OFFICER CONDITIONAL APPOINTMENT

Hawke moved and Pizzino seconded a motion pursuant to ORC Section 505.49 and 509.01, we hereby appoint Tia M. Westfall as a Part-Time Patrol Officer and Township Constable for the Jackson Township Police District, Stark County, Ohio, conditioned upon providing proof of Ohio Peace Officer Training Academy certification, successful completion of the background check, negative drug screen and any other testing requirements. **3-0 yes**

Public Speaks – Open Forum

No one came forward.

Hawke moved and Pizzino seconded a motion to adjourn. **2-0 yes**

Todd Hawke

Randy Gonzalez

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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 Monday, the 23rd day of December 2019, at 5:32 p.m.

1 APPEARANCES :

2
3 BOARD OF TRUSTEES

4
5 TODD HAWKE - PRESIDENT

6 JOHN E. PIZZINO - VICE PRESIDENT

7 JAMES WALTERS

8
9 ALSO PRESENT

10
11 RANDALL GONZALEZ - FISCAL OFFICER

12 MICHAEL VACCARO - LAW DIRECTOR

13 JONI POINDEXTER - ZONING INSPECTOR

14 TRACY HOGUE - FIRE CHIEF

15 THOMAS A. FITZSIMMONS

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MS. POINDEXTER: Okay. So this is for deliberation and decision on zoning amendment 641-19, which is Deville Enterprises and Deville Hills & Dales, property owner, 4811 Whipple, Suite 101, Canton, Ohio, 44718. Proposes to rezone RR rural residential district to R3 residential planned unit development district, approximately 39.119 acres. Parcel number 1607196, 1601352, 1601353 and 1601354, located at near the southeast corner of Hills & Dales and Brunnerdale in section 35 N.W. of Jackson Township.

MR. HAWKE: Okay. As we talked about at the last meeting, this session is purely for our deliberations and decision, so there is no more input from either the proposing party or anyone in opposition to the amendment. So with that, I'll open it up for any comments. Anybody have anything to say?

MR. WALTERS: Well, obviously this is a -- over the last several years this has been an incredibly contentious question, and certainly after the referendum of several years ago I was

1 absolutely prepared and would have voted against
2 it, the request that was similar, because the
3 community clearly spoke. I mean, it clearly spoke
4 about how they felt about that decision.

5 I went back and reviewed the transcript
6 from that hearing three years ago, whatever it was,
7 and a couple of things stuck out to me. Number one
8 was that a great deal of the objections centered
9 around the size of the buildings. There were
10 concerns about, you know, the fact that they were
11 rental units and the number of units, but what we
12 have in front of us is not really nothing like that
13 proposal. I mean, it's a much, much different
14 proposal. And because of the contentiousness last
15 time, not only in the hearings, but then through
16 the ballot process, I was pleased when I saw this
17 that the proposal, at least in my view, seemed to
18 take the community's concerns into, you know,
19 consideration and came up with something
20 significantly different. I was pleased to learn
21 that Mr. DeVille met with a number of members of
22 the community after the initial proposal, took
23 those concerns into consideration, made some
24 adjustments to the plan. I was pleased with most
25 of the answers I thought I heard at the zoning

1 hearing a couple of weeks ago, specifically
2 regarding the question that several in the audience
3 had about, well, what about this open space, and
4 could someone come back later and add more, you
5 know, add more units. How do we know that this is
6 all that's going to be there? Always a question,
7 or I don't know about always, but very frequently a
8 question about some of these proposals is for
9 traffic. We had some good discussion about that,
10 and it was interesting to note that traffic in the
11 area actually has gone down over the last several
12 years. The SCATS data showed us.

13 The road configuration changed in this plan
14 from the last plan, so I think that was in the
15 positive. And then just for the heck of it I did a
16 little bit of basic math myself. If we assume two
17 cars at every residence and compare that to the
18 existing data, it's about a 1% change in traffic,
19 and to me that doesn't seem to raise a concern, 1%.

20 All these questions about water, I mean,
21 it's not my area of expertise, so I'm not going to
22 launch into that, but there are specific agencies
23 and a lot of regulations that cover the issue of
24 water, and so I'll leave that to the experts.

25 So where does that leave us? well, if

1 nothing else, the hearings were significantly
2 different this time. I think that's because the
3 plan was different this time. Last time, not only
4 was this room full, but the hallway was full. We
5 heard, and I went back and read hours of objections
6 as opposed to questions. Mostly what we heard last
7 time was questions, clarification questions. We
8 heard some objections, but largely we heard
9 questions for clarification. I know I've talked to
10 some residents who were very opposed to this last
11 plan that didn't have an objection to this current
12 plan. In fact, some of the folks that were most
13 involved in the referendum last time have said
14 they're in favor of the plan, you know.

15 okay. Taking all of that into
16 consideration, you know, my view is that this plan
17 adequately addressed the concerns of the community.
18 And not everyone's going to agree with that, but
19 that's the way I read it. Again, we look at the
20 room tonight. There are only a handful of folks
21 that are here for it. I think it's a good plan for
22 the property as a whole, for the adjacent area and
23 for the communities that are right around it and
24 for our community as a whole. I think we heard
25 that it fills a specific housing need that the

1 township is lacking. We know it will generate
2 additional revenues for the schools, and these
3 types of properties don't tend to attract a lot of
4 school age children, so it shouldn't add burdens
5 there. And of course, those additional revenues
6 will help support our parks, our library, our
7 police, our fire, and all of those sorts of things.

8 I'm sensitive to the fact that the plan
9 last time was obviously very strongly opposed, and
10 we saw that in the referendum and again, as I said,
11 if it would have been something anywhere close to
12 that I wouldn't have supported it, because the
13 community was clear, but this looks to me and I
14 hear a response that all the concerns were
15 alleviated.

16 Now, I know not everyone is still going to
17 be in favor of it, I get it, but we have to make a
18 decision. That's what we're legally obligated to
19 do. So I take it all into consideration. I think
20 it's a good plan and I'll support it. And I'll
21 make one, but I don't know if any of the other
22 trustees want to speak.

23 MR. HAWKE: I can tell you that, you know,
24 a lot of what Mr. Walters just said was similar
25 things that I looked at. The last piece when I

1 looked at the concern was --

2 AUDIENCE MEMBER: Can you speak into the
3 mike. I can't hear you. Thank you.

4 MR. HAWKE: The last time that we looked at
5 this, you know, the same issue was, is that it was
6 geared around multi-family, it was geared around
7 the number of units. So I looked at the previous
8 plan, to the same situation, which I'm not sure
9 that I totally agree that it's fair, because every
10 plan should be reviewed in its own merits of what
11 it is, but to look at that, because of the
12 referendum and where it was and the pieces that
13 were there, the totals at that time were 23 units
14 in an R3 and approximately 150 in the R4 space.
15 That's 173 total units. The plan today that we're
16 being asked to make a decision on is 69 total
17 units. Drastic change.

18 when you look at the current stance right
19 now, no rezone at all. If I just purely take the
20 acreage that's there, divide it by the minimum lot
21 size of RR, that's about 85 lots that could be put
22 in there. Now, I understand there's wetlands and
23 there's other issues, but the issue with that is
24 under RR there is no plan that has to be presented.
25 So I don't have any option to see that before it

1 would happen, until it goes through the process
2 with all the agencies that would review it for what
3 could fit and not fit. So there's no issue there.

4 Some of the comments that were made in the
5 last meeting were, we'd be okay if you built
6 beautiful homes on these RR lots, RR spaces,
7 because those add more property value, is I believe
8 were some of the comments. RR space only requires
9 a 750 square foot home. That's all the more it
10 requires. So you could do all those lots with 750
11 square foot homes. If it's two-story, it's 1200.
12 So there's some differences there compared to the
13 current plan. Now we actually get to see what the
14 layout is. That's another issue. As it stands
15 now, there's no development plan we'd get to see
16 until after it's proposed. There's nothing -- we
17 can't say anything about it. As long as it fits
18 the codes, that's where we go and what are being
19 built.

20 Under the RR side of it, right now today,
21 one of the big questions I've heard is traffic. As
22 it stands, and I know that I talked to a couple
23 folks, if it's RR right now, not only could it be,
24 but I'm pretty sure it would be required to be
25 connected to Trillium and Dellwood. You're not

1 allowed a dead-end road like that. They would
2 require that. So at a minimum, it would create a
3 loop through in my mind, in my simple mind of
4 looking at this, would be a U to go through.
5 Depending on how access management look at it, it
6 could even put out another entrance or exit space
7 onto Hills & Dales as well as Brunnerdale to bring
8 traffic through and in and out of it. I don't know
9 because I don't have a plan to look at because it's
10 not required. Under the current R3 with the PUD,
11 we get to see the plan, we know what's there. We
12 know those roads aren't connected. We know the
13 only connection is a minor connection for safety
14 forces only, so there's no traffic directly coming
15 in and out into the current existing allotment of
16 Dellwood and Trillium.

17 The question was brought up about
18 construction traffic. It doesn't matter if it's RR
19 or R3, whatever it is, any construction, there's
20 potentials for that. And we talked about that last
21 time too, that that's something that we would
22 monitor, keep an eye on from that perspective. And
23 those traffic concerns, Mr. Walters alluded to that
24 as a single-family, they're typically a higher rate
25 of traffic. I can attest to that. As I sit here

1 today with two 16-year-old kids in my house, with
2 my twins, the number of trips in and out of my
3 house are a lot higher right now than they were
4 before that point. I watch my phone blow up with
5 how many times they've been in and out of the house
6 today already. Funny how that happens when they're
7 out of school, how that goes. So there's a lot
8 more into that side based on Mr. Deville's plan now
9 of looking at condos that would be geared more
10 towards the 55 plus type of a crowd. Those numbers
11 are usually less.

12 water and those drainage concerns, we get
13 to see his ponds that he's putting in place. We
14 know that they're there. They're on the current
15 plan. Under RR right now, they don't have to show
16 those ahead of time. Now, obviously to
17 Mr. Walters' point, there are agencies that monitor
18 that. Those regulations have changed a lot over
19 the years. They've gotten a lot stricter, a lot
20 more stringent. Those types of pieces would be
21 looked at from that side. And then the other big
22 issue, I know a lot of people brought up, not only
23 just the size of the buildings, but how close they
24 might be to their existing neighborhoods. With the
25 way this plan is laid out, with the open space and

1 the other pieces in there, the setbacks to most of
2 the existing homes are 200 feet, where in others,
3 if the RR was there, it could be as little as 25 or
4 10, depending on if it's side or rear. So that's a
5 big gap from that side. I think the closest one I
6 could find, trying to do my little eyes going
7 through there, was about 58 feet, and that was out
8 closer to the main entrance right there, and it was
9 kind of a back yard piece on that side. So you're
10 looking at 58 to 216 feet setbacks as opposed to 10
11 or 25.

12 I keep looking at it. I've looked at it
13 every way, gone back and forth through it. I
14 really feel like a lot of these answers answered
15 the concerns more than the current situation. The
16 RR allows more homes to be built, it allows more
17 space to be taken up. There's no open space
18 requirement in the RR. There is here. Plus, we
19 have the addition of the open space segment itself.
20 So there's a lot of green space being preserved
21 through those processes. And I think, you know,
22 that was my issue before the last time was the PUD
23 side of it. If we're going to talk about something
24 different from the rural side of the rural
25 residential RR zone, we should be able to see the

1 plans to know what we're getting into. And I think
2 that's what helped folks see it, you know, from the
3 referendum side. If you couldn't have seen it and
4 it was just this is what it is, it's just space,
5 there's no visuals, so I think you see the visuals,
6 you know what they are, we see where these are.

7 Under the current RR, there's no homeowners
8 association required. It just is what it is.
9 There might be one. My allotment, it was a
10 voluntary homeowners association. Doesn't mean
11 anything. With this, with the condos, it's
12 required by law that there's a condo association
13 that follows all of that. So there's some other
14 protections to that side of it. So for me, there's
15 a lot of different protections here that just
16 aren't there currently and certainly are different
17 than where we were with the R4 piece that was
18 there. And like Mr. Walters, I looked back at some
19 of those things. Everything that was there, a lot,
20 almost everything, nothing attached itself to the
21 R3 piece that was in the last plan. It was
22 centered on the R4 and the size of apartments, and
23 then it was talking about renters. Currently as
24 it's RR, as we stated before, people can rent an RR
25 home right now. So there could be a rental there

1 now, but we wouldn't anticipate that.

2 Mr. DeVille's plan is for condos, not anticipating
3 rentals. I believe that the condo association will
4 address that issue when it's applicable, but that's
5 not the intent. So from that standpoint, they're
6 the same.

7 So I guess from my side of it, everything I
8 see between the two is either the same or better
9 under the change that's there. And in the current,
10 definitely better based on the public's comments
11 from the prior report. From the prior application.

12 MR. PIZZINO: Again, I agree with
13 Mr. Walters and Mr. Hawke. I think this is a good
14 plan. It's a totally different plan. My concern
15 is not this plan; my concern is over rights, and I
16 think we're all conscious of that, all three of us,
17 and I asked Ms. Poindexter to go back and pull all
18 the comments from the last hearing. I also asked
19 her to pull the referendum, and Mr. Hawke and
20 Mr. Walters were right, most of the concerns or all
21 the current concerns were addressed and probably a
22 lot better this time than last time, but the
23 problem I have with it, do I have the right to take
24 the voters right away. And the referendum said it
25 was for an R3/R4 referendum. Now, I might be over

1 thinking this, I might be totally wrong, but that's
2 the only comment I have, and I'm still struggling
3 with it, so I don't even know how I'm going to
4 vote, but that's my concern right now.

5 MR. HAWKE: Well, just to that point, I
6 would agree, I mean, obviously voters rights are
7 extremely important. As a voter, they're extremely
8 important to me. But to that same piece, over my
9 lifetime I voted on things that were one way,
10 changed and brought back a different way and
11 revoted on it. I think that point was brought up
12 last time. This Board has done that, you know, we
13 put on a levy that was a current specialty that
14 failed, and we went back and changed it to what we
15 heard from the voters, what they wanted to see,
16 which was a specific park, and it came through and
17 passed. So I think those things are always there
18 and, you know, I look at it just from that side of
19 it fits it. I heard all the pieces.

20 The advertisements were no multi-family.
21 R3 is not multi-family. That's not where it
22 exists. It exists in the residential space, not
23 multi-family. So that's where -- and I do agree
24 with Mr. Pizzino, he's right. The referendum did
25 include both pieces, because that's where it came

1 in, because it was both R3 and R4 plan. It didn't
2 say, because you weren't able to separate it out
3 and say I only want to vote for this piece or that
4 piece. would that have made any difference? would
5 it have looked any different? I can't say that
6 because there's no way to do it, but I think this
7 does have a much different feel from that
8 standpoint.

9 MR. WALTERS: Unless there's any other
10 comments, I'll move to adopt the recommendation of
11 the Zoning Commission.

12 MR. HAWKE: With modification.

13 MR. WALTERS: With the presented
14 modifications.

15 MR. HAWKE: Second.

16 MR. GONZALEZ: Mr. Hawke?

17 MR. HAWKE: Yes.

18 MR. GONZALEZ: Mr. Walters?

19 MR. WALTERS: Yes.

20 MR. GONZALEZ: Mr. Pizzino?

21 MR. PIZZINO: No.

22 MR. WALTERS: It has to be unanimous.

23 MR. HAWKE: Mike?

24 MS. POINDEXTER: No, I think that's
25 changed.

1 MR. WALTERS: What was changed, majority?

2 MS. POINDEXTER: Might want to check on
3 that, but I think it's the majority.

4 MR. GONZALEZ: Majority vote.

5 MR. VACCARO: It's majority. That was
6 changed probably five or six, seven years ago.

7 MR. HAWKE: Are you saying because of the
8 modifications, it changes that? Can you confirm
9 that before we --

10 MR. VACCARO: Yes.

11 MR. HAWKE: But he's saying because of the
12 modifications, that changes that.

13 MR. VACCARO: If the Board denies or
14 modifies the Commission's recommendations, a
15 majority vote of the Board shall be required.

16 MR. HAWKE: Majority.

17 MR. VACCARO: Majority.

18 MR. GONZALEZ: Not unanimous.

19 MR. VACCARO: Not unanimous. So it does
20 carry.

21 MR. GONZALEZ: Motion's valid.

22 MR. HAWKE: So that motion is adopted as
23 modified and presented to the Board of Trustees,
24 not to the Zoning Commission. With that, can I
25 close the hearing?

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MR. VACCARO: Yes.

MR. HAWKE: So with that, I'll make a motion to close the hearing.

MR. WALTERS: Second.

MR. GONZALEZ: All in favor.

MR. HAWKE: Aye.

MR. WALTERS: Aye.

MR. PIZZINO: Aye.

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(Meeting concluded at 5:53)

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C E R T I F I C A T E

STATE OF OHIO)

STARK COUNTY)

I, Deanna Gleckler, a Registered Professional Reporter, Certified Realtime Reporter, and Notary Public in and for the State of Ohio, duly commissioned and qualified, do hereby certify that the within meeting was by me reduced to Stenotypy and afterwards transcribed upon a computer, and that the foregoing is a true and correct transcription of the testimony so given as aforesaid.

I do certify that this Meeting was taken at the time and place in the foregoing caption specified. I do further certify that I am not a relative, counsel or attorney of either party, or otherwise interested in the event of this action.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal of office at Salem, Ohio on this 9th day of January, 2020.

 DEANNA GLECKLER, RPR-CRR, Notary Public
 My commission expires 1-6-20.