

RECORD OF PROCEEDINGS

MINUTES OF JACKSON TOWNSHIP BOARD OF TRUSTEES MEETING

SEPTEMBER 22, 2020

Hawke called the meeting to order at 4:00 p.m. at the Jackson Township Hall with Trustees Todd Hawke, John Pizzino and Jim Thomas present. Fiscal Officer Gonzalez, Administrator/Law Director Vaccaro, Fire Chief Hogue, Police Chief Brink, Public Works Director Rohn, and Zoning Inspector Poindexter were also in attendance.

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

3-0 yes

Hawke moved and Pizzino seconded a motion to go into Executive Session for Administration Department Personnel (Appointment / Employment / Compensation) – 2020 Vacation Accruals.

3-0 yes

Hawke moved and Pizzino seconded a motion to go into Executive Session to consider the sale of property, if premature disclosure of information would give an unfair competitive or bargaining advantage to a person whose personal, private interest is adverse to the general public interest – Administration Department.

3-0 yes

Upon return from Executive Session at 5:05 p.m., Hawke called the General Session to order. Hawke requested that all cell phones be silenced at this time.

The Pledge of Allegiance was recited.

Public Speaks - None

Fire Department

RESOLUTION 20-149, ATTACHED

APPOINT FULL-TIME FIREFIGHTER/PARAMEDIC

Hawke moved and Pizzino seconded a motion that pursuant to the Full-time Firefighter/Paramedic hiring policy, the Township's Personnel Hiring Policy and pursuant to ORC Section 505.38, we hereby appoint Nicholas R. Batdorff to the position of Full-time Firefighter/ Paramedic, effective September 28, 2020 at 0800 hours, at the FF/P2 annual rate of \$56,448.38 as set forth in the Negotiated Agreement with Jackson Township and the Jackson Township Professional Firefighters Local 2280, IAFF.

Be it further resolved that Nicholas R. Batdorff shall serve a one year probationary period and shall continue to maintain all required certifications.

3-0 yes

**RESOLUTION 20-150, ATTACHED
APPOINT FULL-TIME FIREFIGHTER/PARAMEDIC**

Hawke moved and Pizzino seconded a motion that pursuant to the Full-time Firefighter/Paramedic hiring policy, the Township's Personnel Hiring Policy and pursuant to ORC Section 505.38, we hereby appoint Brett A. Siglow to the position of Full-time Firefighter/ Paramedic, effective September 28, 2020 at 0801 hours, at the FF/P2 annual rate of \$56,448.38 as set forth in the Negotiated Agreement with Jackson Township and the Jackson Township Professional Firefighters Local 2280, IAFF.

Be it further resolved that Brett A. Siglow shall serve a one year probationary period and shall continue to maintain all required certifications.

3-0 yes

Both newly appointed Firefighters/Paramedics were sworn in and pictures were taken.

**RESOLUTION 20-151, ATTACHED
ACCEPTANCE OF OATH FOR FIRE DEPARTMENT FULL-TIME
FIREFIGHTER/PARAMEDIC**

Hawke moved and Thomas seconded a motion that we hereby accept the attached oath of office for Nicholas R. Batdorff, Full-time Firefighter/Paramedic for the Jackson Township Fire Department, Stark County, Ohio, effective September 28, 2020 at 0800 hours.

3-0 yes

**RESOLUTION 20-152, ATTACHED
ACCEPTANCE OF OATH FOR FIRE DEPARTMENT FULL-TIME
FIREFIGHTER/PARAMEDIC**

Hawke moved and Thomas seconded a motion that we hereby accept the attached oath of office for Brett A. Siglow, Full-time Firefighter/Paramedic for the Jackson Township Fire Department, Stark County, Ohio, effective September 28, 2020 at 0801 hours.

3-0 yes

**RESOLUTION 20-153, ATTACHED
ASSISTANCE TO FIREFIGHTERS GRANT**

Hawke moved and Thomas seconded a motion that whereas, the Jackson Township Fire Department filed an application with the Assistance to Firefighters Grant for the purchase of air-pack equipment.

Whereas, the Federal Emergency Management Agency (FEMA) has made funds available for the purchase of five fire station exhaust removal systems in the amount of \$225,484.55 with a 10% cost match of their award in the amount of \$22,548.45.

Be it further resolved that we hereby approve the acceptance of the Assistance to Firefighters Grant and further authorize the Fire Chief or his designee to complete any required reporting documentation necessary for the completion of the grant program.

Be it further resolved that we hereby authorize the payment of Jackson Township's 10% cost match in the amount of \$22,548.45.

3-0 yes

**RESOLUTION 20-154, ATTACHED
SCBA MASK FIT-TESTING DEVICE**

Hawke moved and Thomas seconded a motion that pursuant to the standards set by the National Fire Protection Association we hereby approve the purchase of one (1) Pro Plus TSI Facepiece Fit-Tester with MSA G1 Fit Adaptor in the amount of \$10,461.00 from Fire Force, Inc.

3-0 yes

ATTACHMENT 09/22/20 A

Hawke moved and Thomas seconded a motion to accept Jacob Morton's withdrawal from the full-time employment process with the Jackson Township Fire Department.

3-0 yes

Administration Department

**RESOLUTION 20-155, ATTACHED
STAFFING SERVICES AGREEMENT**

Hawke moved and Thomas seconded a motion that we hereby accept and authorize the placement of the Board Chairman's signature upon the attached Agreement with Seifert Associates, Inc. (Staffing Division).

3-0 yes

Police Department

Hawke moved and Thomas seconded a motion to accept a donation of \$50.00 from Theresa and Bruce Moore in memory of Edward Rohr.

3-0 yes

Hawke moved and Thomas seconded a motion to accept a donation of \$25.00 from Larry Miller and Elisabeth Lynch in memory of Edward Rohr.

3-0 yes

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

3-0 yes

Hawke moved and Thomas seconded a motion to accept a donation of \$766.67 from Lyons Den Golf Course.

3-0 yes

Public Works Department

Highway Division

ATTACHMENT 09/22/20 B

Hawke moved and Pizzino seconded a motion to approve Budget Module 2020-33 for funds to purchase a new 2021 GMC Sierra 1500 Double Cab in the amount of \$32,572.00.

3-0 yes

RESOLUTION 20-156, ATTACHED

PUBLIC WORKS DEPARTMENT VEHICLE PURCHASE

Hawke moved and Pizzino seconded a motion that pursuant to ORC Section 125.04, we hereby adopt and authorize the purchase of the attached quote from Toth Buick GMC Inc. for the purchase of one (1) 2021 GMC Sierra 1500 Double Cab 4x4 Pickup Truck in the amount of \$32,572.40 as the price is lower than the prices listed in the NJPA Contract for the same equipment.

3-0 yes

Rohn stated that the 2015 GMC Vehicle will be sold to the Zoning Department and the Zoning Department vehicle will be sold to the Park Department. The transfer of vehicles will save the Township money.

ATTACHMENT 09/22/20 C

Hawke moved and Thomas seconded a motion to approve, authorize and place the Board Chairman's signature on the attached letter to the Stark County Subdivision Engineer with the Stark County Regional Planning Commission withholding objection to a sidewalk variance regarding The Greens at Belden No. 1.

3-0 yes

Park Division

ATTACHMENT 09/22/20 D

Hawke moved and Pizzino seconded a motion to adopt and authorize the Board Chairman's signature upon the attached Change Order No. 5 for the North Park Amphitheater Parking Lot Project – General.

3-0 yes

Central Maintenance

ATTACHMENT 09/22/20 E

Hawke moved and Pizzino seconded a motion to approve the appropriation transfer request from account code 101.115.5310, Educ Training Fees - CM, to account code 101.115.5356, Bldg – Equip Maint - CM, in the amount of \$2,500.00.

3-0 yes

**RESOLUTION 20-157, ATTACHED
DISPOSITION OF TOWNSHIP PROPERTY**

Hawke moved and Thomas seconded a motion that 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 equipment 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

Zoning & Planning Department

**RESOLUTION 20-158, ATTACHED
NOXIOUS WEEDS – 8471 KELLYDALE STREET NW, LOT 75 IN MARLEN ESTATES
2, PARCEL NO. 1607817, JACKSON TOWNSHIP, OHIO**

Hawke moved and Pizzino seconded a motion that whereas, the Jackson Township Board of Trustees, having been informed in writing that noxious or other harmful weeds are growing on the lands in charge of Donald J. Miller in Jackson Township and described as follows: 8471 Kellydale Street NW, Lot 75 in Marlen Estates 2, Parcel No. 1607817, Jackson Township, Ohio.

Be it resolved that said Donald J. Miller, whose tax mailing address is Core Logic, 2500 Westfield Dr., Elgin, IL 60124, be notified by serving on them by certified mail with return receipt requested, a written copy of this resolution that said noxious weeds are growing on such lands and that, pursuant to ORC Section 5579.05, they must be cut or destroyed within five (5) days after the service of such notice or show this Board cause why there is no need for doing so. The owner shall have a continuing duty to cut or destroy the noxious weeds every 30 days from the date of this Resolution until October 31, 2020. If the owner fails to meet this obligation within the five-day period, or the subsequent 30 day periods, the Township will mow at \$150.00 per hour with a \$400.00 minimum charge per lot or parcel. As stated in our prior courtesy letter to you, pursuant to ORC Sections 5579.06 and 5579.07, a \$150.00 administrative fee per lot or parcel will be placed on your tax duplicate.

3-0 yes

**RESOLUTION 20-159, ATTACHED
NOXIOUS WEEDS – 0.551 ACRE LOT ON STROUBLE DRIVE NW, PARCEL NO.
1615192, JACKSON TOWNSHIP, OHIO**

Hawke moved and Pizzino seconded a motion that whereas, the Jackson Township Board of Trustees, having been informed in writing that noxious or other harmful weeds are growing on the lands in charge of East Ohio Gas Company in Jackson Township and described as follows: .551 acre lot on Strouble Drive NW, Parcel No. 16-15192, Jackson Township, Ohio.

Be it resolved that said East Ohio Gas Company, whose tax mailing address is C/O Property Tax Department, PO Box 27026, Richmond, VA 23261-7026, be notified by serving on them by certified mail with return receipt requested, a written copy of this resolution that said noxious

weeds are growing on such lands and that, pursuant to ORC Section 5579.05, they must be cut or destroyed within five (5) days after the service of such notice or show this Board cause why there is no need for doing so. The owner shall have a continuing duty to cut or destroy the noxious weeds every 30 days from the date of this Resolution until October 31, 2020. If the owner fails to meet this obligation within the five-day period, or the subsequent 30 day periods, the Township will mow at \$150.00 per hour with a \$400.00 minimum charge per lot or parcel. As stated in our prior courtesy letter to you, pursuant to ORC Sections 5579.06 and 5579.07, a \$150.00 administrative fee per lot or parcel will be placed on your tax duplicate.

3-0 yes

RESOLUTION 20-160, ATTACHED

NOXIOUS WEEDS – LOT 21 ON WOODDED POINT CIRCLE NW, SCENIC RIDGE, PARCEL NO. 1627765, JACKSON TOWNSHIP, OHIO

Hawke moved and Pizzino seconded a motion that whereas, the Jackson Township Board of Trustees, having been informed in writing that noxious or other harmful weeds are growing on the lands in charge of BG Custom Homes, Inc. in Jackson Township and described as follows: Lot 21 on Wooded Point Circle NW, Scenic Ridge, Parcel No. 1627765, Jackson Township, Ohio.

Be it resolved that said BG Custom Homes, Inc., whose tax mailing address is 5211 Overlook Circle NW, Canton, OH 44718, be notified by serving on them by certified mail with return receipt requested, a written copy of this resolution that said noxious weeds are growing on such lands and that, pursuant to ORC Section 5579.05, they must be cut or destroyed within five (5) days after the service of such notice or show this Board cause why there is no need for doing so. The owner shall have a continuing duty to cut or destroy the noxious weeds every 30 days from the date of this Resolution until October 31, 2020. If the owner fails to meet this obligation within the five-day period, or the subsequent 30 day periods, the Township will mow at \$150.00 per hour with a \$400.00 minimum charge per lot or parcel. As stated in our prior courtesy letter to you, pursuant to ORC Sections 5579.06 and 5579.07, a \$150.00 administrative fee per lot or parcel will be placed on your tax duplicate.

3-0 yes

ATTACHMENT 09/22/20 F

Hawke moved and Thomas seconded a motion to set a public hearing on October 27, 2020, at 5:00 p.m. for a nuisance violation at 7811 Parkford St. NW, Jackson Township.

3-0 yes

Hawke moved and Thomas seconded a motion to set a public hearing for Zoning Amendment 643-20 on October 13, 2020, at 5:00 p.m. David M. Kohler, 130 West Streetsboro St., Hudson, Ohio 44236 agent for Eugenia L. Frank, Trustee, property owner, 6404 Lake Cable NW, Canton, Ohio 44718 proposes to rezone R-R Rural Residential District to R-3 PUD Residential Planned Unit Development District approx. 53.39 acres, more or less, consisting of portions of Parcel No. 1630351 and No. 1600632 located on the south side of Portage approx.. 445 ft. east of Blendon NW, Sect 11SE/14NE Jackson Township. Hearing will be held at Jackson High School located at 7600 Fulton Drive NW, Massillon, Ohio 44646.

3-0 yes

Hawke moved and Thomas seconded a motion to set a public hearing for Zoning Amendment 644-20 on October 13, 2020, at 5:00 p.m. David M. Kohler, 130 West Streetsboro St., Hudson, Ohio 44236 agent for Eugenia L. Frank, Trustee, property owner, 6404 Lake Cable NW, Canton, Ohio 44718 proposes to rezone R-R Rural Residential District to R-1A Single Family Residential District approx. 25.50 acres, more or less, of a 77.86 acre tract, Parcel No. 1630351, located on the south side of Portage approx. 1,280 ft. west of Frank Ave NW, Sect 14NE Jackson Township. Hearing will be held at Jackson High School located at 7600 Fulton Drive NW, Massillon, Ohio 44646.

3-0 yes

ATTACHMENT 09/22/20 G

Hawke moved and Pizzino seconded a motion to dismiss the hearing for the nuisance violation at 7994 Cambridge St NW.

3-0 yes

ATTACHMENT 09/22/20 H

5:00 p.m. Public Hearing – Proposed re-zone of property – Zoning Amendment 645-20. Omni LLC, 33095 Bainbridge Rd., Solon, Ohio 44139 agent for North Canton Ohio Fraternal Order of Eagles #2223, 6979 Sunset Strip NW, North Canton, Ohio 44720 proposed to rezone I-1 Industrial District to B-3 Commercial Business District approximately 36.27 acres located on the east side of Frank Ave, Parcel Nos. 1620799 & 10002909 where Strausser ends into Frank Ave., Section 1SW Jackson Township.

Went before the Zoning Commission on 8/27/20, which unanimously recommended approval.

Gary Biales, 32870 Solon, Ohio, VP of Development with Omni Senior Living. Also joining him is Karen, who is a Planning Director with Omni Senior Living. Mr. Biales's intention is to develop a senior living community and provided packages to the Trustees showing the proposed plans.

Hawke asked if there is anyone speaking in favor of the proposed amendment. No one came forward; this section of the hearing is closed.

Hawke asked if anyone wishes to speak against the rezoning.

Michael Steele, Attorney, representing the operators of Heiser Sand and Gravel, which is property located immediately south. He stated that is he not necessarily here to oppose to the zoning change, nor in support, more so has some concerns dealing with the site development. As details of the development roll out, he may have some concerns about the ingress and egress, especially how it relates to the 2nd drive (emergency access drive). He stated that he would just welcome some conversations with the developer to try to address his concerns.

Gonzalez asked what percentage of people living there drive? Mr. Biales said that 30-35% of the people in independent living drive and the independent living consists of 88 units. Mr. Biales also noted that they will perform traffic studies, since they are usually required, and they have found that peak traffic times of a retirement community vary from normal peak times. The residents of the retirement community still go out, they are just going out at different times.

Hawke asked if anyone else is speaking against the proposed amendment. No one came forward; this section of the hearing is closed.

Hawke asked about the number of units. Mr. Biales said 88 units, however, the number given from the zoning minutes states 67. Mr. Biales clarified that the independent living building has 88 units, but there are 67 villas.

Hawke then posed a question to Chief Hogue concerning the additional emergency exit. He indicated that he assumed that one would be required. The Chief agreed it would be required, but a final determination would be made once formal plans were submitted. Hawke clarified that the entrance going through the church would be for emergency use only.

There were no other questions from the Board.

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

3-0 yes

ATTACHMENT 09/22/20 I

5:30 p.m. Public Hearing – Proposed re-zone of property – Zoning Amendment 542-04, Revision #6. MaxSam Investments, LLC 2055 Havenswood Place, Blacklick, Ohio 43004 and CW Vail LLC, 2445 Brentwood NW, Canton, Ohio 44708 requests revisions to a previously approved R-3 PUD site plan effective 2/26/2019 regarding a change in the layout of development plan and reducing the number of total dwelling units from 14 condo units and 76 single family lots to 14 condo units and 73 single family lots. Property located on approximately 52.22 acres on the northwest side of Everhard and east of Brunnerdale.

This did not go back to Zoning Commission because it is a revision. It will just go to the Trustees.

Mike Kendall with GBC Design and developer Anthony Juliani spoke about the revision. They are requesting modifications due to an increase in wetlands, floodplain and topography. He is asking to eliminate two roads as presented. The new layout would reduce the number of single family lots by three. Mr. Kendall said he had discussions with Zoning and Fire and neither of them had any issues. He said he would have to resubmit preliminary plans to the Stark County RPC, but wanted to get the plan approved by the Trustees first.

Hawke asked if anyone is speaking in favor of the proposed amendment. No one came forward; this section of the hearing is closed.

Hawke asked if anyone wants to speak against the proposed amendment.

Kevin Kampfer 4201 Parkdale Ave NW. Mr. Kampfer presented that the proposed changes would not just reduce the single family lots by three, but it would decrease open space by 328,000 sq. ft. When the PUD was first presented to adjacent landowners in 2005, they were assured open space would forever remain undeveloped and wooded area would forever remain untouched. Several

years later, the wooded area was harvested and has since resulted in additional water runoff to lower lying land. Mr. Kampfer is fearful that allowing the original buffer zone to be modified may very well accentuate the runoff problem. Absent of any evidence to the contrary, Mr. Kampfer opposes the amendment.

Hawke asked if anyone else wanted to speak against the proposed amendment. No one came forward; this section of the hearing closed.

Anthony Juliani, owner of MaxSam Investments, LLC. in response to Mr. Kampfer's comments, to clarify, the tree cutting that he is referring to took place prior to his ownership. He also states that the proposed amendment meets the specifications for greenspace. Additionally, Mr. Juliani said that the stormwater is accounted for through engineering and the change could make it better, but certainly wouldn't make it worse.

Vaccaro asked if there had been any discussion with the Fire Department about whether a truck could even get up that lane where the amendment is being proposed. Mr. Juliani said that was the first thing he did – had conference call with Joni and the Fire Department. The Fire Department said he would have to improve the culvert so that it would support a fire truck and Mr. Juliani made it clear that that requirement would be put into the contract with whomever buys the lot.

Vaccaro then asked about the amendment creating two additional driveways directly to Everhard and asked Mr. Juliani if he has discussed this with County Access Management. His reply was no. Mr. Kendall said they have not submitted the preliminary plan to the county yet.

Vaccaro also briefly discussed the negative effects of eliminating those roads in terms of Fire Department response times and Mr. Juliani stated that when he asked the Fire Department if there were any issues with his amendment, none were expressed concerning the response times.

Pizzino voiced his opposition to the amendment. He thinks it is a mistake to eliminate that road. He stated that the existing road is already used by several people in the vicinity and the amendment would be adding 22 new homes to that one single road. Pizzino explained that he was a Trustee in 2004 when this development was proposed to the Board. He said that he voted in favor of the development because the Jackson Township residents were promised 61% greenspace.

Mr. Juliani responded that they still meet the requirements of greenspace. He also pointed out that the current development is not doable the way it is because the previous owner did not look at the topography.

Hawke added his concerns about not having another entrance for the Fire Department if the road is removed. Hawke is doubtful that Mr. Juliani will get approval from the Stark County Engineer's Access Management regarding the two additional driveways onto Everhard and the increased traffic on the existing road. Thomas agreed with the comments made by Hawke and Pizzino. Pizzino added that without the second road, he will not vote in favor of a revision. He added that residents were made promises about this development in 2004 and he will not vote in favor of changes that go against what was agreed to then.

Pizzino moved and Hawke seconded a motion to deny Zoning Amendment 542-04 Revision #6.

3-0 yes

Fiscal Department

ATTACHMENT 09/22/20 J

Hawke moved and Thomas seconded a motion to pay the bills in the amount of \$455,381.48.

3-0 yes

ATTACHMENT 09/22/20 K

Hawke moved and Thomas seconded a motion to approve the minutes of the September 8, 2020 Board of Trustees' meeting.

3-0 yes

ATTACHMENT 09/22/20 L

Hawke moved and Thomas seconded a motion to approve the following appropriation transfers for the CARES Act funding as attached for a total of \$687,518.35.

3-0 yes

Routine Business

Announcements

- Next regular **Board of Trustees'** meeting, October 13, 2020, 5:00 p.m., General Session, Jackson High School Performing Arts Center.
- **LOGIC**, October 8, 2020, 9:00 a.m., via video conference. Those interested in participating should call (330) 830-4285.
- **Zoning Meetings:**
 - Zoning Commission – None Scheduled
 - Board of Zoning Appeals – September 24, 2020, 5:00 p.m., via video conference. Those interested in participating should call (330) 832-8023.
- **CIC**, October 15, 2020, 8:00 a.m., Jackson Amphitheater.
- **Yard Debris / Waste Site**
 - Secure load before leaving for site
 - No plastic bags
- **Farmers Market** - Thursdays through October 1, 3:00 p.m. - 6:00 p.m., Jackson North Park
- **Halloween Trick or Treat**, Saturday, October 31, 2020, 3:00 p.m. to 5:00 p.m.

Old Business - None

New Business

ATTACHMENT 09/22/20 M

Hawke moved and Thomas seconded a motion to amend the Board of Trustee’s regular meeting schedule as follows:

1. The December 22, 2020 meeting shall be cancelled and rescheduled to December 17, 2020 at 4:00 p.m. (Executive Session) and 5:00 p.m. (General Session).

3-0 yes

Hawke spoke to the continuing effects of COVID on local businesses. Hawke explained that outdoor seating in restaurants has been important. He proposes that the permit fee for a temporary tent over 120 sq. ft. for outdoor dining is waived through the end of the year. Restaurants will still be required to obtain a permit and follow safety guidelines, but the fee would be waived.

Hawke moved and Pizzino seconded a motion to waive the temporary tent permit fee through December 31, 2020.

Gonzalez agrees with the Board of Trustees’ support of local business and residents. He emphasized the important role these restaurants and hotels have on our economy.

3-0 yes

Hawke moved and Pizzino seconded a motion to adjourn.

3-0 yes

Hawke moved to make a motion to reopen the meeting for Public Speaks.

Public Speaks

Amy Hopkins, Ohio Edison, new External Affairs representative, came to the meeting to introduce herself to the Board.

James Hodinka of 3790 Old Hickory Ave, came to voice opposition to the proposed zoning amendment, but the other gentleman did a far better job. He supports the Trustees decision and agrees with the traffic issue.

Gonzalez thanked Mr. Hodinka for speaking in support of the Board’s decision. He expressed how the system worked the way it was supposed to work. The whole reason for these PUD’s is just that. The Board can agree to something, but in order to get it changed, the Board would have to also approve any changes. Changes to a building or moving a building are one thing, but removing a road would’ve set a terrible precedent and that has never happened before.

Todd Hawke

Randy Gonzalez