

RECORD OF PROCEEDINGS

MINUTES OF JACKSON TOWNSHIP BOARD OF TRUSTEES MEETING

AUGUST 14, 2012

Walters called the meeting to order at 5:03 p.m., at the Jackson Township Hall with all Trustees, Fiscal Officer, Lyon, Fitzgerald, and all department heads present. He requested that all cell phones and pagers be turned off at this time.

The Pledge of Allegiance was recited.

Public Speaks – None

Police Department

RESOLUTION 12-068, ATTACHED

APPOINTMENT OF FULL TIME POLICE PATROL OFFICER

Walters moved and Hawke seconded a motion pursuant to ORC Sections 505.49 and 509.01, we hereby appoint the attached listed persons to the position of full time Patrol Officer and Police Constable for the Jackson Township Police District Department, Stark County, Ohio, effective at the attached listed times and dates, at the compensation rate and benefits contained in the Negotiated Agreement and we hereby accept the attached Oath of Office. **3-0 yes**

Walters administered the oath of office to Timothy Rice, Jason Gerber, Justin McDannold, and Andrew Speight. Walters called a short recess to allow time for photos.

ATTACHMENT 08/14/12 A

Walters moved and Hawke seconded a motion to accept the attached resignation from part-time police officer and constable, Ozzy Chaney, effective August 10, 2012 at 2400 hours. **3-0 yes**

ATTACHMENT 08/14/12 B

Walters moved and Pizzino seconded a motion to approve the appropriation transfer request from account code 209.250.5702, Vehicle Purchase, to account code 209.250.5387, Discretionary, in the amount of \$30,000.00. **3-0 yes**

Administration Department

ATTACHMENT 08/14/12 C

Walters moved and Hawke seconded a motion to approve Budget Module 12-5 for Township Administration Building parking lot sealing and striping in the amount of \$4,600.00. **3-0 yes**

ATTACHMENT 08/14/12 D

Walters moved and Hawke seconded a motion to approve the appropriation transfer request from account code 101.150.5220, Hospitalization, to account code 101.110.5764, Site Improvements, in the amount of \$4,600.00. **3-0 yes**

ATTACHMENT 08/14/12 E

Walters moved and Hawke seconded a motion to adopt the attached Seniority Agreement submitted by UWUA Local 568. **3-0 yes**

ATTACHMENT 08/14/12 F

Walters moved and Hawke seconded a motion to approve an unpaid leave of absence for Shelley Bender for the purpose of Family & Medical Leave, not to exceed her remaining FMLA balance. **3-0 yes**

ATTACHMENT 08/14/12 G

Walters moved and Hawke seconded a motion to authorize the Board's signatures on the Certificate of Recognition to Eagle Scout, Keith Sweitzer. **3-0 yes**

ATTACHMENT 08/14/12 H

Walters moved and Hawke seconded a motion to approve the appropriation transfer request from account code 101.150.5952, Transfer #214 – Park, to account code 101.110.5387, Discretionary, in the amount of \$58,731.09. **3-0 yes**

Fire Department

ATTACHMENT 08/14/12 I

Walters moved and Hawke seconded a motion to authorize out-of-state travel for Captain Kai Rieger to attend TEEEX "Enhanced All Hazards Incident Command/Unified Command" Course in College Station, Texas, October 15-19, 2012, in accordance with the Travel Policy. **3-0 yes**

ATTACHMENT 08/14/12 J

Pizzino moved and Hawke seconded a motion to approve the purchase of replacement turnout gear prior to its expiration date. **3-0 yes**

Public Works Department

Highway Division

**RESOLUTION 12-069, ATTACHED
MARSHALL STREET STORMWATER EXTENSION**

Walters moved and Pizzino seconded a motion whereas, after inspection, the Board of Trustees find that Marshall Street NW, a Township Road and the drainage pipe relating thereto require further maintenance that will avoid a drainage problem affecting the safety of the road use;

Be it resolved, pursuant to ORC Section 5575.01, as the attached estimated cost of the work is \$14,546.80, the Board of Trustees have determined to proceed by force account.

Be it further resolved that the Jackson Township Public Works Department is authorized to perform the attached described road maintenance work. **3-0 yes**

ATTACHMENT 08/14/12 K

Walters moved and Pizzino seconded a motion to approve Budget Module 2012-37-A for 5655 Marshall Street Drainage in the amount of \$10,000.00. **3-0 yes**

ATTACHMENT 08/14/12 L

Walters moved and Hawke seconded a motion to approve the appropriation transfer request from account code 211.310.5387, Discretionary, to account code 211.310.5558, Drainage, in the amount of \$10,000.00. **3-0 yes**

**RESOLUTION 12-070, ATTACHED
LAND LEASE AGREEMENT**

Walters moved and Hawke seconded a motion to adopt and authorize the placement of our signatures upon the attached Land Lease Agreement with William C. Hensel. **3-0 yes**

**RESOLUTION 12-071, ATTACHED
KOBELCO MINI HOE PURCHASE**

Walters moved and Hawke seconded a motion pursuant to ORC Section 125.04, we hereby adopt and authorize the placement of the Board President's signature upon the attached Contract with Southeastern Equipment Company, Inc. for the purchase of a Kobelco SR35 Mini Hoe for a total amount of \$39,631.90 which the prices are listed in the State Purchasing Contract. **3-0 yes**

ATTACHMENT 08/14/12 M

Walters moved and Hawke seconded a motion to approve Budget Module 2012-38-A for New Equipment in the amount of \$45,539.00. **3-0 yes**

ATTACHMENT 08/14/12 N

Walters moved and Pizzino seconded a motion to adopt and authorize the placement of the Board President's signature upon the attached OVI Countywide Task Force Contract for the Public Works Department and further ratify the same Agreement for the Police Department. **3-0 yes**

Zoning & Planning Department

ATTACHMENT 08/14/12 O

At 5:15 p.m., Walters opened the public hearing on Zoning Amendment #598-12. McKinley Presidential LTD/William Lemmon, requests to rezone approximately 2.28 acres, south of Traphagen, west of Wales, from B-2 Neighborhood Business to R-4 Multi-Family Residential.

Poindexter told the Board this went before Stark County Regional Planning on July 10 and that they recommended approval of the rezoning. She also reviewed some of the reasons Regional Planning gave to support their recommendation. She said the Zoning Commission also recommended approval of the rezoning.

Walters asked if anyone wanted to speak in favor of the rezoning.

Bill Lemmon, 1201 South Main St., North Canton, Ohio, said he and his partner, Bob DeHoff, purchased the adjacent property in December 2011. He explained that the 2.28 acres would be developed and operated as part of the current apartment complex. He answered several questions from the Trustees.

Allen Dolan, 3776 Wales, asked if the two existing exits from the apartment complex would be used and not out onto Wales.

Mr. Lemmon said they have agreed not to connect to the commercial properties.

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

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

Pizzino moved and Hawke seconded a motion to adopt the recommendation of the Zoning Commission. **3-0 yes**

ATTACHMENT 08/14/12 P

Pizzino moved and Walters seconded a motion to set a public hearing on September 11, 2012 at 5:15 p.m. for nuisance determination on the property located at 7936 Bentwood NW. **3-0 yes**

ATTACHMENT 08/14/12 Q

Notice to County Auditor for Mowing Noxious Weeds

Walters moved and Hawke seconded a motion that the Jackson Township Board of Trustees, Stark County, Ohio, hereby makes report and certifies that on the 7th day of June, 2012, it was informed in writing that noxious weeds were growing on lands of Charles S. Ayers Trustee in Jackson Township and were about to spread and mature seeds; said lands being described as follows: 5381 Blarney Circle NW, Lot #72, Irish Oaks #2, Parcel No. 16-10109, NE Qtr. Section 23, Jackson Township, and thereupon said Jackson Township Trustees adopted and served a resolution requiring that said noxious weeds be cut or destroyed.

The following is a statement of the charges for:

Administrative Fee	\$150.00
Labor, materials, and equipment used	<u>\$400.00</u>
TOTAL	\$550.00

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

ATTACHMENT 08/14/12 R

Notice to County Auditor for Mowing Noxious Weeds

Walters moved and Hawke seconded a motion that the Jackson Township Board of Trustees, Stark County, Ohio, hereby makes report and certifies that on the 1st day of June, 2012 it was

informed in writing that noxious weeds were growing on lands of Mark Rainey in Jackson Township and were about to spread and mature seeds; said lands being described as follows: 1251 Leecrest Street NW, Lot #153, Kendal Heights, Parcel No. 16-04593, SE Qtr, Section 32, Jackson Township, and thereupon said Jackson Township Trustees adopted and served a resolution requiring that said noxious weeds be cut or destroyed.

The following is a statement of the charges for:

Administrative Fee	\$150.00
Labor, materials, and equipment used	<u>\$400.00</u>
Total	\$550.00

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

RESOLUTION 12-072, ATTACHED

NOXIOUS WEEDS – LOT 28 ON UNIONDALE STREET NW, OAKDALE ALLOTMENT, PARCEL NO. 16-05347, JACKSON TOWNSHIP, OHIO

Walters moved and Pizzino seconded a motion 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 Daniel Rachel, in Jackson Township described as follows: Lot 28 on Uniondale Street NW, Oakdale Allotment, Parcel No. 16-05347, Jackson Township, Ohio.

Be it resolved that said Daniel Rachel, whose tax mailing address is 1880 Greentree Place SE, Massillon, Ohio 44646, 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, 2012. 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 12-073, ATTACHED

NOXIOUS WEEDS – 6611 AVALON STREET NW, LOT 100 IN HAMPTON PARK ESTATES 3, PARCEL NO. 16-15132, JACKSON TOWNSHIP, OHIO

Walters moved and Pizzino seconded a motion 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 Paul Hartung III, in Jackson Township described as follows: 6611 Avalon Street NW, Lot 100 in Hampton Park Estates 3, Parcel No. 16-15132, Jackson Township, Ohio.

Be it resolved that said Paul Hartung III, whose tax mailing address is Lereta LLC, 1123 S. Parkway Drive, Covina, CA 91724, 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, 2012. 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 12-074, ATTACHED

NOXIOUS WEEDS - 4041 BATTON STREET NW, PARCEL NO. 16-09122, JACKSON TOWNSHIP, OHIO

Walters moved and Pizzino seconded a motion 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 Rizk Towers LLC, in Jackson Township described as follows: 4041 Batton Street NW, Parcel No. 16-09122, Jackson Township, Ohio.

Be it resolved that said Rizk Towers LLC, whose tax mailing address is 14012 Clifton Blvd. Lakewood, OH 44107, 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, 2012. 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 12-075, ATTACHED

NOXIOUS WEEDS – 5121 ECHOGLENN AVENUE NW, LOT 97, IRISH OAKS #2, PARCEL NO. 16-10134, JACKSON TOWNSHIP, OHIO

Walters moved and Pizzino seconded a motion 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 Constantine & Karen Valantasis, in Jackson Township described as follows: 5121 Echoglenn Avenue NW, Lot 97, Irish Oaks #2, Parcel No. 16-10134, Jackson Township, Ohio.

Be it resolved that said Constantine & Karen Valantasis, whose tax mailing address is Wells Fargo NETS Electronic, PO Box 14506, Des Moines, IA 50306-9395, 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, 2012. 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 12-076, ATTACHED

NOXIOUS WEEDS – LOT 268 ON HARLEQUIN CIRCLE NW, CARRINGTON #9, PARCEL NO. 16-28422, JACKSON TOWNSHIP, OHIO

Walters moved and Pizzino seconded a motion 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 Terry & Sally Theis, in Jackson Township described as follows: Lot 268 on Harlequin Circle NW, Carrington #9, Parcel No. 16-28422, Jackson Township, Ohio.

Be it resolved that said Terry & Sally Theis, whose tax mailing address is 838 Oakcrest Lane NE, Massillon, OH 44646, 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, 2012. 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 12-077, ATTACHED

NOXIOUS WEEDS – 9353 BEATTY STREET NW, LOT 58, ANDYVILLE ALLOTMENT 4, PARCEL NO. 16-08623, JACKSON TOWNSHIP, OHIO

Walters moved and Pizzino seconded a motion 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 Michael Murphy, in Jackson Township described as follows: 9353 Beatty Street NW, Lot 58, Andyville Alltoment 4, Parcel No. 16-08623, Jackson Township, Ohio.

Be it resolved that said Michael Murphy, whose tax mailing address is Core Logic, 2500 Westfield Drive, Suite 102, 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, 2012. 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 12-078, ATTACHED

NOXIOUS WEEDS – 5128 SHAMROCK AVENUE NW, LOT 159, IRISH OAKS 2, PARCEL NO. 16-10196, JACKSON TOWNSHIP, OHIO

Walters moved and Pizzino seconded a motion 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 Richard & Katie Eslich, in Jackson Township described as follows: 5128 Shamrock Avenue NW, Lot 159, Irish Oaks 2, Parcel No. 16-10196, Jackson Township, Ohio.

Be it resolved that said Richard & Katie Eslich, whose tax mailing address is BAC Tax Services Corp., 2375 N. Glenville Dr. TX2975 02 01, Richardson, TX 75082, 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, 2012. 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**

Fiscal Office

ATTACHMENT 08/14/12 S

Pizzino moved and Hawke seconded a motion to pay the bills in the amount of \$1,279,279.28.

3-0 yes

ATTACHMENT 08/14/12 T

Walters moved and Hawke seconded a motion to approve fund transfers from Fund #101, General Fund, to Fund #214, Park Fund, in the amount of \$176,255.75 and from Fund #101, General Fund, to Fund #213, Zoning Fund, in the amount of \$12,397.75.

3-0 yes

ATTACHMENT 08/14/12 U

Walters moved and Pizzino seconded a motion to approve the minutes of the July 24, 2012 Board of Trustees' meeting.

3-0 yes

ATTACHMENT 08/14/12 V

Walters moved and Hawke seconded a motion to approve the July 2012 Financial Reports.

3-0 yes

Gonzalez explained the Alternate Tax Budget Document must be sent to the County Auditor and it tells them how much money we anticipate having for next year. He pointed out that for the General Fund on the line for local government fund the amount in 2011 was \$696,000.00 and next year it will drop to \$353,000.00. He said that under the other revenues, which is mostly the estate tax, in 2010 it was \$3,200,000.00 and in 2011 it was \$2,900,000.00 and without the estate tax is it really \$1,300,000.00 which is a major drop. He said that in looking at the total revenue going back to 2010 there was a drop in 2011 and a big drop in 2012. He said the anticipated loss in 2013 is \$2,000,000.00, hence the levy that will appear on the ballot.

**RESOLUTION 12-079, ATTACHED
2013 ALTERNATE TAX BUDGET DOCUMENT**

Walters moved and Pizzino seconded a motion that we hereby adopt the attached Alternate Tax Budget Document for Fiscal Year 2013 as required by the Stark County Budget Commission in their attached May 21, 2012 directive, authorize the Township Fiscal Officer to sign the alternate Tax Budget Document and authorize the Township Fiscal Officer to file said Alternate Tax Budget Document with the Stark County Auditor's Office. **3-0 yes**

Gonzalez told the Board he just came from a SCOG meeting and the County Commissioners have agreed to the Countywide CAD system. He said the anticipated cost is \$1.3 million and it will be bid for three entities, the RED Center, the Sheriff, and the City. He told the Board it is so in depth that each presentation takes three days.

Routine Business

Announcements

- Next regular Board of Trustees meeting, August 28, 2012, 4:00 p.m., Executive Session and/or Work Session; 5:00 p.m., General Session, Township Hall.
- CIC, August 20, 2012, 5:00 p.m., Jackson Township Hall.
- LOGIC, September 6, 2012, 9:00 a.m., Jackson Safety Center, Chiefs' Conference Room.
- Citizens Advisory Committees:
 - Community Celebration, September 12, 2012, 5:30 p.m., Township Hall.
 - Highway/Traffic, November 7, 2012, 6:30 p.m., Township Hall.
 - Park, November 14, 2012, 6:30 p.m., Township Hall.
- Friends of the Park, August 22, 2012, 7:00 p.m., Township Hall.
- Farmers Market, Every Thursday through September 27, 3:00 – 6:30 p.m., Jackson North Park.
- Safety Center Open House, Sunday, October 14, 2012, 2:00 – 4:00 p.m.

Old Business

Pizzino explained the purpose of the levy that will be on the ballot in November. He said that since they can't use highway dollars for the park or maintenance departments combining those

three departments into the public works department so passing the new levy is vital. He said that Mr. Boger may have to look at some issues and programs in the event the levy does not pass.

New Business – None

Public Speaks – Open Forum

Allan Dolan, 3776 Wales, said he is Chairman of the American Cancer Society’s Relay for Life which was on June 8 and 9th. He wanted to thank the Board for the use of the Hall for their meetings during the year.

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

Upon return from Executive Session, Walters called the General Session back to order.

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

James Walters

Randy Gonzalez