

RECORD OF PROCEEDINGS

MINUTES OF JACKSON TOWNSHIP BOARD OF TRUSTEES MEETING

AUGUST 22, 2011

Pizzino called the meeting to order at 4:00 p.m. at the Jackson Township Hall with all Trustees, Fiscal Officer, Lyon, Fitzgerald and Zink present.

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

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

Upon return from Executive Session, Pizzino opened the Work Session at 4:56 p.m.

Work Session

Lyon informed the Board there has been a request from the Canton Marathon to use Stuhldreher Park on June 16 and 17, 2012. She said they would like the park to be closed during that time period so they can set up a relay point.

Walters moved and Burger seconded a motion to approve the use of Stuhldreher Park as a relay point for the Canton Marathon on June 16 and 17, 2012. **3-0 yes**

At 5:00 p.m., Pizzino called the General Session to order with 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

Administration Department

ATTACHMENT 08/22/11 A

Walters moved and Pizzino seconded a motion to establish the part-time position of Asphalt Inspector and Trainer in the Public Works Department, Highway Division.

Pizzino asked Lyon to explain the memorandum of understanding. Lyon said this is an agreement with the Utility Workers Union stating that they are in agreement that the part-time position would be outside of their bargaining unit and the Union has signed the agreement. Pizzino said he “didn’t believe we needed to establish a part-time position.”

Walters withdrew his motion to establish the part-time position of Asphalt Inspector and Trainer.

Pizzino moved and Walters seconded a motion to authorize the Township Administrator to call the temporary service to fill the part-time position of Asphalt Inspector and Trainer at the rate of \$18 per hour.. **3-0 yes**

ATTACHMENT 08/22/11 B

Walters moved and Pizzino seconded a motion to adopt and authorize the placement of the Board President's signature upon the attached Memorandum of Understanding with the Utility Workers of America, Local 568. **3-0 yes**

ATTACHMENT 08/22/11 C

Walters moved and Pizzino seconded a motion to adopt the attached job descriptions for the Public Works Director, Park Maintenance and Grounds Foreman, Central Maintenance Foreman and Public Works Coordinator positions. **3-0 yes**

ATTACHMENT 08/22/11 D

Walters moved and Burger seconded a motion to adopt and authorize the placement of the Board President's signature upon the attached Group Retrospective Rating Plan Enrollment application and Service Agreement. **3-0 yes**

Legal Department

Regulation of Collection of Solid Waste, Refuse and Garbage

Walters held the first reading of the following resolution:

Whereas, Ohio Revised Code (hereafter ORC) Section 504.04(A)(1) and (2) authorizes the Board of Trustees to exercise powers of local self-government in the Township and to adopt and enforce within the Township local police, sanitary and other similar regulations.

Whereas, ORC Section 504.05 authorizes the Jackson Township Board of Trustees to impose a civil fine up to \$1,000 for the violation of a resolution adopted under ORC Section 504.04 which can be graduated based on previous violations and ORC Section 504.06 requires the adoption of a citation form.

Be it resolved that, pursuant to the above statutes, we hereby:

1. Establish that all collection of solid waste, refuse and garbage within the limits of Jackson Township within 500 feet of a residential dwelling, apartment building or other residential structure be limited to the hours of 7:00 AM to 8:00 PM.
2. Adopt the attached citation form and request the Township Fiscal Officer to publish the attached notice.
3. Whoever violates this resolution is subject to a fine of \$500 for the first violation and a fine of \$1,000 for each subsequent violation.

The foregoing is a true and correct counterpart duly read on August 22, 2011 and filed with me as the Township Fiscal Officer on August 23, 2011.

No one in the audience commented on the resolution as read.

Public Works Department

ATTACHMENT 08/22/11 E

Walters moved and Pizzino seconded a motion to accept the attached retirement notice from Kenneth Ferguson effective October 1, 2011. **3-0 yes**

ATTACHMENT 08/22/11 F

Pizzino moved and Burger seconded a motion to approve the appropriation transfer request from account code 204.310.5387, Discretionary, to account code 204.310.5526, Fuel, in the amount of \$28,400.00 and from account code 204.310.5387, Discretionary, to account code 204.310.5552, Aggregate, in the amount of \$20,030.00. **3-0 yes**

ATTACHMENT 08/22/11 G

Pizzino moved and Burger seconded a motion to approve the appropriation transfer request from account code 204.310.5387, Discretionary, to account code 204.310.5385, Other Expenses, in the amount of \$1,550.00. **3-0 yes**

RESOLUTION 11-095, ATTACHED

A RESOLUTION AUTHORIZING JOHN E. PIZZINO, PRESIDENT OF THE BOARD OF TRUSTEES TO PREPARE AND SUBMIT AN APPLICATION TO PARTICIPATE IN THE OHIO PUBLIC WORKS COMMISSION STATE CAPITAL IMPROVEMENT AND/OR LOCAL TRANSPORTATION IMPROVEMENT PROGRAMS AND TO EXECUTE AGREEMENTS AS REQUIRED.

Walters moved and Pizzino seconded a motion whereas, the State Capital Improvement Program and the Local Transportation Improvement Program both provide financial assistance to political subdivisions for capital improvements to public infrastructure, and

Whereas, the Jackson Township Trustees are planning to make capital improvements to the Lake O'Springs Avenue/Brunnerdale Avenue Resurfacing Project, and

Whereas, the infrastructure improvement herein above described is considered to be a priority need for the community and is a qualified project under the OPWC programs.

Now therefore be it resolved by the Board of Trustees of Jackson Township, Stark County, Ohio that:

Section 1: John E. Pizzino, President of the Board of Trustees, is hereby authorized to apply to the OPWC for funds as described above.

Section 2: John E. Pizzino, President of the Board of Trustees, is further authorized to enter into any agreements as may be necessary and appropriate for obtaining this financial assistance.

Section 3: We hereby accept the attached Certification of Funds from Randy Gonzalez, Fiscal Officer. **3-0 yes**

Park Department

Walters moved and Burger seconded a motion to accept a \$100.00 donation to the Park Department from Ohio XS Baseball Academy. **3-0 yes**

Zoning & Planning Department

RESOLUTION 11-096, ATTACHED

NOXIOUS WEEDS – 7806 TAHITI STREET NW, SAHARA SANDS ALLOTMENT, LOT 42, PARCEL NO. 16-06638, JACKSON TOWNSHIP, OHIO

Walters moved and Burger 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 Laurain R. Wilson c/o Stanley Slider in Jackson Township described as follows: 7806 Tahiti Street NW, Sahara Sands Allotment, Lot 42, Parcel No. 16-06638, Jackson Township, Ohio.

Be it resolved that said Laurain R. Wilson c/o Stanley Slider, whose tax mailing address is 1356 Kracker Street NW, 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 September 30, 2011. 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 11-097, ATTACHED

NOXIOUS WEEDS – 6312 WALES AVENUE NW, PARCEL NUMBER 16-08415, JACKSON TOWNSHIP, OHIO

Walters moved and Burger 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 Steven and Becky Pope in Jackson Township described as follows: 6312 Wales Avenue NW, Parcel Number 16-08415, Jackson Township, Ohio.

Be it resolved that said Steven and Becky Pope, 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 September 30, 2011. 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 08/22/11 H

Walters moved and Burger seconded a motion that the Jackson Township Board of Trustees, Stark County, Ohio, hereby makes report and certifies that on the 26th day of May, 2011 it was informed in writing that noxious weeds were growing on lands of Christine L. Habony, deceased in Jackson township and were about to spread and mature seeds; said lands being described as follows: 7682 Oakdale Street NW, Oakdale Allotment, Lots 56 & 57, Parcel No. 16-20002, S.W. Qtr. Section 28, 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 08/22/11 I

Walters moved and Burger seconded a motion that the Jackson Township Board of Trustees, Stark County, Ohio, hereby makes report and certifies that on the 16th day of May, 2011 it was informed in writing that noxious weeds were growing on lands of Loretta Stockton in Jackson township and were about to spread and mature seeds; said lands being described as follows: 4816 Waltham Crossing NW, The Farms at Nobles Pond #3, Lot 81, Parcel No. 16-17989, S.E. Qtr. Section 21, 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**

Walters moved and Burger seconded a motion to set a Public Hearing on September 12, 2011 at 5:30 p.m. for Zoning Amendment 589-11 to re-zone from B-1 (Suburban Office & Limited Business) to B-3 (Commercial Business), property located at 3431 Whipple Avenue NW. **3-0 yes**

Walters moved and Burger seconded a motion to set a Public Hearing on September 12, 2011 at 5:40 p.m. for Zoning Amendment 590-11 to re-zone from R-R (Rural Residential) to R-T

(Research & Technology), approximately five acres at the northwest corner of Strausser & Frank NW. **3-0 yes**

Fiscal Office

ATTACHMENT 08/22/11 J

Pizzino moved and Burger seconded a motion to pay the bills in the amount of \$1,130,349.13.

3-0 yes

ATTACHMENT 08/22/11 K

Pizzino moved and Burger seconded a motion to approve the minutes of the August 8, 2011 Board of Trustees' meeting. **3-0 yes**

Routine Business

Announcements

- Next regular Board of Trustees meeting, September 12, 2011, 4:00 p.m., Executive Session and/or Work Session; 5:00 p.m., General Session, Township Hall.
- LOGIC, September 1, 2011, 9:00 a.m., Jackson Safety Center, Chiefs' Conference Room.
- CIC, October 17, 2011, 5:00 p.m., Township Hall.
- Board of Zoning Appeals, August 25, 2011, 6:30 p.m., Township Hall.
- Zoning Commission, September 15, 2011, 5:00 p.m., Township Hall.
- Citizens Advisory Committees:
 - Community Celebration, September 13, 2011, 5:30 p.m., Township Hall.
 - Park, November 9, 2011, 6:30 p.m., Township Hall.
 - Highway/Traffic, November 16, 2011, 6:30 p.m., Township Hall.
- Jackson Township Farmers Market, Thursdays through September 29, 3:00 – 6:00 p.m., Jackson North Park.
- Ohio Division of Wildlife Hunter's Safety Education Course, September 15, 16, 17, 2011, Jackson Safety Center. Register at Park Department.

Old Business – None

New Business

Pizzino announced there would be a Joint Public Hearing with City of Canton upon JEDD Contract at 6:00.

Public Speaks – Open Forum

No one came forward.

Pizzino called a short recess.

At 5:45 p.m., Pizzino called the Public Hearing for Aberdeen Glen 4 Street Lighting District to order.

Pizzino asked if anyone would like to speak in favor of the lighting district.

Skip Rea of 8230 Lutz Ave., Jackson Township said he is one of the owners of Aberdeen Ridge Allotment and said they are in favor of the streetlights since they are already installed.

Pizzino asked if anyone would like to speak against the lighting district. No one came forward. Pizzino closed that portion of the hearing.

RESOLUTION 11-098, ATTACHED ABERDEEN GLEN 4 LIGHTING DISTRICT

Walters moved and Pizzino seconded a motion that a hearing having been had upon the attached petition requesting that the Board of Jackson Township Trustees take all lawful and proper proceedings to light artificially the streets and public ways in an unincorporated district in this Township, following notice and actual view taken, and the Board of township Trustees finding:

- (1) That the petition was filed with the Township Fiscal Officer on July 27, 2011 and that the Board of Township Trustees was duly notified by him of such filing and a copy of the petition was delivered to it on July 29, 2011.
- (2) That the petition was signed by owners of more than one-half of the front feet of the lots and lands abutting on the streets and public ways of the aforesaid district, and that the petition complied with the law in specifying the metes and bounds of the district but included not lands more than 660 feet from, nor any lands not abutting on, the streets and public ways in such districts; and
- (3) That due notice of a hearing before the Board of Township Trustees on the petition for Aberdeen Glen 4 was duly and timely served on all lot owners and corporation affected by the proposed improvement, and was duly and timely published as against nonresidents pursuant to RC515.04, and return of due service and publication was made according to law.

Be it further resolved by the Board of Trustees of Jackson Township, Stark county, Ohio, that the proposed improvement to light artificially the streets and public ways in the district is necessary, and the petition is granted accordingly; that the number of lights necessary to light properly the streets and public ways is 6, that the lights shall be standard street light lumens; that they shall be

located at the places described in the attached print; and that the kind of supports therefore shall be as described on the print.

Be it further resolved that, pursuant to ORC Section 9.30 and 515.08 and in accordance with the attached contract with American Electric Power and PUCO tariff schedule, we hereby contract with American Electric Power for not less than one (1) year and shall continue thereafter until terminated sixty (60) days after either party has given written notice to the other of the intention to terminate, for the installation and maintenance of the lights described in the attached plan in the amount of approximately \$17.50 per light per month for six (6) 9,000 lumen 100 watt high pressure sodium post-top lights for Aberdeen Glen 4. There will be no installation costs for these lights.

Be it further resolved that the costs and expenses of furnishing and maintaining such lights shall be paid from a fund made by special assessment against the lots and lands in the district semiannually per lot and the Fiscal Officer shall certify the assessment to the Stark County Auditor's Office. **3-0 yes**

At 6:00 p.m., Pizzino called the Joint Public Hearing with the City of Canton to order. Fitzgerald explained this hearing is required by law and was established by resolution in July. He said both the City of Canton and Jackson Township have published notice of the hearing in the newspapers. He said the purpose of the hearing is to allow for public comment and recommendations on the proposed contract and district.

Pizzino opened the hearing with no one in the audience. Jason Reese, Assistant Law Director, was in attendance for the City of Canton.

**RESOLUTION 11-099, ATTACHED
JOINT ECONOMIC DEVELOPMENT DISTRICT CONTRACT WITH THE CITY OF
CANTON**

Walters moved and Burger seconded a motion that we hereby adopt and authorize the placement of our signatures upon the attached Joint Economic Development District Contract with the City of Canton and the attached certificate required by ORC Section 715.76(E).

Be it further resolved we hereby acknowledge the attached petition of the Board of Trustees of Stark State College to be included in the Joint Economic Development District, the only property and business owner located in the District.

Be it further resolved we hereby direct the Fiscal Officer and Law Director to file documents with the Board of County Commissioners as required by ORC Sections 715.76 and 715.77 and Ohio Department of Development as required by ORC Section 715.771.

Be it further resolved that, pursuant to ORC Section 715.77(A)(1) we choose to not submit this Resolution approving the Joint Economic Development district Contract to the electors of the Township as:

1. The resolution has been approved by a unanimous vote of the members of the board of township trustees.
2. The creation of the joint economic development district is proposed at the request of a majority of the owners of land included within the proposed district. The attached Petition of the Board of Trustees of Stark State College and Exhibit A are incorporated herein.
3. The territory to be included in the proposed joint economic development district is zoned in a manner appropriate to the function of the proposed district. The Jackson Township I-1 and related Zoning code provisions contained in the hearing file are incorporated herein. The enclosed June 27, 2011 memorandum of Joni Poindexter to the Stark County Regional Planning commission is incorporated herein.

Pizzino	yes
Walters	yes
Burger	yes

Pizzino closed the hearing.

Walters moved and Burger seconded a motion to adjourn.

3-0 yes

John Pizzino

Randy Gonzalez