

RECORD OF PROCEEDINGS

MINUTES OF JACKSON TOWNSHIP TRUSTEES MEETING

AUGUST 28, 2006

Pizzino called the meeting to order at 5:00 p.m. at the Jackson Township Hall with all Trustees, Fiscal Officer, Lyon, Fitzgerald and Moore present.

Pizzino moved and Meeks seconded a motion to go into Executive Session for Central Maintenance Personnel (Appointment/Employment/ Compensation). **3-0 yes**

Upon return from Executive Session, Pizzino opened the Work Session at 5:49 p.m., with Chief Heck, Chief Neftzer, and Dave Ruwadi present.

Fire Department

Chief Heck presented the Board with a draft of the new testing procedures for the rank of Captain. He said it eliminated the assessment center used in the past but still retains the five years experience and the Board's rights under 505.38. The written test gives credit for years of service and associate degree hours earned. It also retains a score of 70 or better to pass the test and to receive the additional credits. The top five candidates would be considered for promotions. The eligibility list would be effective for two years instead of the current one year.

Police Department

Chief Neftzer: I wanted to have a discussion with the Board, here in working session, about parking restrictions to one side of the street throughout the township. There are events that occur throughout the year, such as the Balloon Festival, high school football games, graduation parties, where often times, in some of our neighborhoods or wherever it might be, will have parking on both sides of the street. I know Chief Heck and Mr. Boger have expressed that it's difficult, especially during snow season, to get their equipment through some of those areas. So as a safety issue, and this comes up during our festival over here off Cheryl Lane and some of those roads right behind us here, I think it would be wise if maybe Neal, Mr. Boger, and myself evaluate the possibility of doing this township-wide. And evaluate whether or not it should be a home rule violation or if it should be or if there is a mechanism now under the Ohio Revised Code to just place signs and enforce the signs. So I wanted to see what the Board's thoughts were about that before we put a lot of effort into that. But I know along Ponteberry, and like I said, over here across from the high school football games and through the Echoes and the Irish Oaks area during the Balloon Fest and there are just a lot of times during the year where we can't get our safety equipment through and that's imperative if we have some kind of life emergency. So I wanted to see what the Board's thoughts were about that before we proceeded.

Meeks: Well, Chief, first of all, due to safety reasons, I think I'd rather do that. I have, we've all witnessed as the neighborhood across by Cheryl Lane and that through football season it would be very difficult for any type of emergency apparatus to get through there and heaven forbid that

we're not able to get to a person in need and something tragic happens due to that. But as we proceed with this I think one thing that is very key is education to our residents. That even though it is posted and before we cite we make sure that we have done our very best to get the word out on what it truly means, where we can park and where we should not park, so that we're not just putting signs up and then writing citations or whatever that may be.

Pizzino: I guess my only question, Chief, is, are you looking for this township wide? Or are you just looking for the areas where we know we have problems?

Neftzer: Well, I think that's one of the things that Mr. Boger, Mr. Fitzgerald, and I need to evaluate. There may be certain roads that can benefit from this but, you know, the graduation parties can occur anywhere and during that May season it's not unusual to see both sides of the street parked. I know of communities that have limited parking to one side of the street, typically it's on the non-fire hydrant side, so I guess my thoughts were to restrict it township wide because we can't determine when they're going to have those particular events and so, yes, I was looking at it from a township wide perspective. If you would like for us to narrow that focus, we can, but the other thing that this does is if we restrict it to one side it doesn't eliminate the amount of traffic we're dealing with it just pushes that problem back further. So instead of parking being within a half mile of a location, if we restrict it to one side of the street, now it's going to be within three quarters of a mile of a location. So there are a lot of things to evaluate as to whether or not we want to proceed with this on a township wide basis.

Pizzino: Well just my opinion, we have 192 miles of road in Jackson Township. If we start putting 'no parking' signs on 192 miles of road, one, it's going to be very costly, and two, as Mr. Meeks said, you know, we're more concerned about the safety. I'm just not sure that it's feasible to do all 192 miles of road. And again this is just my opinion. I do know we have certain areas that we do have that concern, and absolutely, I'd be in favor of putting that type of parking in the Kent State area or along the high school here, this type of area. But I don't know, I think we need more information.

Meeks: I do believe we do need to examine this, but I think what is key with whatever our outcome is, is the educational part of it – be a little proactive with this – in our newsletter, feedback from our residents. We're not trying to be big brother and hindering you from having a good time at your home. It's about safety and that's what we should focus on. How we can keep our community as safe as possible and that we need to get our apparatus around those streets and a lot of times it's tough, I know exactly what you're talking about.

Gonzalez: On one side of the street, township wide, what about the people who have been parking in front of their houses for 20 years? Now all of a sudden you're telling them they can't because there are hydrants on the other side of the street?

Neftzer: Well, you would have them park on the non-hydrant side so in that case they'd be okay but I know what you're saying. If a hydrant happened to be on their side and they have to park across the street.

Gonzalez: This could affect some neighborhoods worse than others. You could start neighborhood wars with something like this. Have you considered looking at temporary NO PARKING signs? Buying some temporary ones that can be put up during the day of the event and I really believe we should use home rule powers to enforce them.

Neftzer: Well, we have some legal issues that Mr. Fitzgerald and I will talk through. And I'll get with Mr. Boger and some others to see if we can't get a better idea of how we're going to proceed here, then we can see what the Board's direction would be at that point.

Meeks: That's fine, but Randy does bring up a good point, I mean, I hope that all the neighbors get along but they don't. And Joe over here who I don't like, okay, he can park on my side of the street in front of my house. We really need to think about this.

Pizzino: I just think if we would try to isolate it to the trouble areas that we know we're having the problems with and especially parking on both sides of the street. Chief, we agree with you. You know it's a safety issue, kids are darting between cars. You're just going to have to come up with a way to do it the best possible way without affecting the whole township. Again, that's just my opinion.

Burger: I'd like to make a few comments on this, too. And, Chief, I would have a problem putting 'no parking' signs throughout the township. I think some of the things you mentioned such as graduation time, football games, basketball games, these are a seasonal thing and obviously, the Balloon Classic over at Kent State, I saw what a mess that was, and no matter what you put up, people are going to ignore them. So we're going to have that problem but I think down at the south end of the township, the original area down (indecipherable) store areas, we did post that a number of years ago, put parking on one side of the street only and it seemed to work well. But obviously those streets were put in when they were a lot narrower streets but there again I can go along with the fact that certain times of the year, again like you said, football, whatever, school functions, if somebody in the neighborhood wants to have a graduation party, that's going to be a one night session and if people would use a little bit of common sense, you know, leave enough room for people to get down the street and that will never happen but I think we need to talk a little bit more in depth before we consider or before I would consider no parking signs throughout the township.

Meeks: Harley, what this has already done is, as you see, is something very good and it encourages dialogue. So we can see the positive and the negative with this but, for example, you know the more I sit here and think - you know this neighborhood back here is used every Friday night that we have a football game through football season and they park pretty much both sides of the road. And if we take that away, we have to also think of where are they going to park? So we have to also work with the school for an alternative site and then, you know, how are they going to get. . . if they can use our North Park parking, maybe there's something that we can work together on as far as a shuttle or something to get them there. If they're helping us keep our community safe on these roads, then we need to also take the next step in making sure that for their inconvenience that they are being provided a way of getting to the activity such as a football game or public activity. We do need more dialog and I do want to hear from our residents and we need that.

Pizzino: Any other questions Harley?

Neftzer: I don't think so. Not at this time. It's as clear as mud to me. No, we'll get with Mr. Boger and Mr. Fitzgerald and we'll come up with something that's workable.

At 6:03 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 08/28/06 A

Meeks moved and Burger seconded a motion to set the Comprehensive Plan Document Fee at \$30.00 per document. **3-0 yes**

Highway Department

ATTACHMENT 08/28/06 B

Meeks moved and Burger seconded a motion to approve Highway Budget Module 14-B-06 for Fulton / Wales Intersection Improvement in the amount of \$7,245.00. **3-0 yes**

ATTACHMENT 08/28/06 C

Meeks moved and Burger seconded a motion to approve Highway Budget Module 14-C-06 for Fulton / Wales Intersection Improvement in the amount of \$96,190.00. **3-0 yes**

ATTACHMENT 08/28/06 D

Meeks moved and Burger seconded a motion to approve the appropriation transfer request from account code 324.310.5387, Discretionary, to account code 324.313.5710, Fulton/Wales Design in the amount of \$96,190.00. **3-0 yes**

ATTACHMENT 08/28/06 E

Meeks moved and Burger seconded a motion to adopt and authorize the placement of the Board President's signature upon the attached Change Order No. 8 for the Portage West II Project. **3-0 yes**

Meeks requested Mr. Boger to give an overview for Change Order No. 8 which is a reduction of \$301,005.41 because of non-performance. Mr. Boger told the Board that each item on the contract is accounted for at the time of use and compared to the items in the bid price. This list is the items that were in the bid price but not used in the actual construction which resulted in the reduction of \$301,005.41.

ATTACHMENT 08/28/06 F

Meeks moved and Burger seconded a motion to adopt and authorize the placement of the Board President's signature upon the attached Engineering Services Proposal from ME Companies.

3-0 yes

Park Department

ATTACHMENT 08/28/06 G

Meeks moved and Burger seconded a motion to adopt and authorize the placement of the Board President's signature upon the attached fireworks contract.

3-0 yes

ATTACHMENT 08/28/06 H

Meeks moved and Pizzino seconded a motion to authorize road closures for the 2006 Labor Day Celebration as requested in the attached memorandum.

3-0 yes

Police Department

ATTACHMENT 08/28/06 I

Meeks moved and Burger seconded a motion to approve the appropriation transfer request from account code 209.255.5112, Part Time Wages, to account code 209.265.5120, Overtime Wages / DARE, in the amount of \$5,000.00 and from account code 209.250.5387, Discretionary, to account code 209.250.5502, Police Supplies, in the amount of \$2,000.00.

3-0 yes

Fiscal Office

ATTACHMENT 08/28/06 J

Meeks moved and Pizzino seconded a motion to pay the bills in the amount of \$715,054.33.

3-0 yes

ATTACHMENT 08/28/06 K

Meeks moved and Burger seconded a motion to approve the minutes of the August 14 and August 21, 2006 Board of Trustees' meetings.

3-0 yes

ATTACHMENT 08/28/06 L

Meeks moved and Burger seconded a motion to approve "Then and Now" purchase order MV 60523 to D & R Supply, Inc. in the amount of \$8,000.00.

3-0 yes

RESOLUTION 06-081, ATTACHED

Meeks moved and Burger seconded a motion that pursuant to attached ORC Section 505.707, we hereby determine that:

1. The YMCA of Central Stark County is an organization that serves a community purpose and is exempt from federal taxation under subsection 501(a) and described in subsection 501(c)(3) of the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.1, as amended and as described in the attached April 22, 1999 IRS letter.

2. To appropriate from the Township general capital projects fund \$1,000,000 which are moneys not appropriated for any other purpose, for the Board of Trustees commitment to the YMCA of Central Stark County in assisting in the payment of the construction costs for the Jackson Township YMCA. The programs and services provided by the Jackson Township YMCA services a community purpose. The appropriation of \$1,000,000 will be payable to YMCA of Central Stark County in installments of \$333,333.33 payable by September 1 and December 31, 2006 and a third installment of \$333,333.34 payable by April 1, 2007.
3. In the enclosed August 24, 2006 letter, the YMCA of Central Stark County has promised that Jackson Township residents will receive a 10% discount on their first year of membership fees and pay no or reduced joining fees during the promotional period prior the facility opening day of October 9, 2006.
4. The programs and services provided by the Jackson Township YMCA facility are secular in nature and the Board finds that the programs and services do not support any specific religious activity.
5. The above \$1,000,000 grant is conditioned on the preclusion of religious activities or programs within the Jackson Township YMCA facility and that none of the funds may be used for any religious activity. **3-0 yes**

Routine Business

Announcements

- The Board of Trustees will attend Sheetz Ribbon-Cutting Ceremony on August 31, 2006 at 3:30 p.m., 2939 Whipple Avenue NW, and will accept a donation for the basketball courts being constructed in North Park.
- Next regular Board of Trustees meeting changed from Monday to Wednesday, September 13, 2006, 4:00 p.m. Executive Session and/or Work Session, 6:00 p.m., General Session, Township Hall.
- LOGIC, September 7, 2006, 9:00 a.m., Safety Center, Chiefs' Conference Room.
- CIC, September 11, 2006, 5:30 p.m., Township Hall.
- Board of Zoning Appeals, September 14, 2006, 7:00 p.m., Township Hall.
- Citizens Advisory Committees:
 - Community Celebration, September 18, 2006, 6:00 p.m., Township Hall.
 - Park, September 19, 2006, 6:30 p.m., Township Hall.

- Highway/Traffic, November 15, 2006, 6:30 p.m., Township Hall.

Old Business

Meeks: I just want to touch base on the grant that we did receive at last month's meeting. We did receive the check today from the David Foundation. The \$50,000 check that we are now able to put toward the completion of the basketball courts. Again, I just want to say thank you to the David Foundation and the David Family. It is something that this team worked very hard on trying to secure and it's just another example – as well as the Sheetz donation – that there are very community minded organizations out there that want to get involved with the positive things that our youth can get into - constructive recreation - and hopefully deter them from other types of activities such as mischief. But I do want to say thank you again to all of you and the Chamber of Commerce and to the David Family and to the Sheetz organization.

New Business

RESOLUTION 06-082, ATTACHED

Pizzino moved and Meeks seconded a motion that the Jackson Township Board of Trustees, having been informed in writing that noxious weeds are growing on the lands in charge of Barbara Frey, in Jackson Township, described as follows: 4430-20th St. NW, Canton, Ohio 44708, 36 acres, Parcel No. 1700247, Jackson Township.

Therefore, be it resolved that said Barbara Frey, whose tax mailing address is 338 Roxbury NW, 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 September 30. 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. **3-0 yes**

Pizzino: I will call on Mr. Fitzgerald, it's under new business, the Ohio Division of Liquor Control notice. We have a store in Jackson Township that is requesting to sell liquor at a store on Woodlawn Avenue. Mr. Fitzgerald do you want to take over?

Fitzgerald: Yes, the liquor control established an area where they felt there was a need for another liquor store agency contract. This is hard liquor. They took applications and they have tentatively approved for the new store the application of Shree G LLC dba Woodlawn Market at 1910 Woodlawn Avenue, Jackson Township. The purpose of this hearing is for the Trustees to determine if they want to request a hearing on the advisability of issuing the agency contract and if they request a hearing to be held in the county seat. I've asked, as with new application, I've asked the owner of the store, Mr. Patel, Bob Patel, to attend. Do you want to hear from Mr. Patel?

Pizzino: Okay.

Meeks: I want to ask you could you please repeat the first part. You said that the State Liquor said that there was – how many?

Fitzgerald: Four applications.

Meeks: Four applications.

Fitzgerald: In the designated area.

Meeks: And how do they see that we need another in ours?

Fitzgerald: It's the kind of decision they make based on the amount of sales in the area, the amount of population. The area is rather large. It involves part of Jackson, part of Canton, and part of Perry Township.

Meeks: Okay.

Gonzalez: How many are there in Jackson?

Fitzgerald: Three.

Pizzino: Okay. At this time, and for the record, I would like to state that I did talk to Mr. Patel. He told me that he was going to apply for this. He also told me that there were no violations at his convenience store there on Woodlawn. They do sell beer and wine there at this time. At this time I didn't know when we were going to get the paperwork from the State. It's up to this Board to decide if we want to have a hearing. This is a little bit unusual because I don't believe we've ever had a request for a liquor store in a residential area. At this time, I guess I'll turn it over to my two fellow trustees and get their comments on this and then we'll open the hearing up.

Meeks: If I could start. I do know the establishment. I think everybody knows the establishment of the success that it has in selling lottery tickets. I don't know what you do there but keep it up. You do a great job on selling winners and that's a good thing. My only concern with this – well I have a couple concerns – one is that the State thinks that we need another liquor store in Jackson Township. Yes, we're highly populated. That is my other concern of where this falls. I know that they sell beer and wine now but to have a full blown liquor store or liquor sales within a residential area, I am concerned with. In all of Stark County, if you are able to have five and I understand, Neal, that the area that they're looking at – Canton, Perry, and ourselves – I know we can't prevent it from happening but we can also ask for a hearing to state our concerns. I think that this establishment is a quality establishment and it's doing very well, it serves the needs of our residential area around there. But I'm concerned though with the police activity that may have happened or is. . . Chief, do we have any concerns there with an establishment close to – anything you can. . .

Neftzer: Well, in the last five years we've had about 20 occasions where we've been to this location. Most of those for breaking and entering or thefts, vandalism. Mr. Patel is correct I did

check with the Division of Liquor and they have had no violations on record through their enforcement agency. Those things include under age consumption, or those types of violations, so they've had none of those but they have had occasions and Mr. Fitzgerald and I talked to Mr. Patel about his security in the last two years we've only been down there on two occasions so they must have done something to address those issues. It is a residential area there's a busy intersection there, high volume of traffic on Woodlawn Avenue. It's probably not the best location in Jackson Township for a facility like this but it is what it is.

Meeks: I do appreciate your comments.

Pizzino: At this time, Mr. Burger do you have any comments?

Burger: I think in this fifth year on the Board, I've only been opposed to one liquor permit and that was for a drive-in for what classification? But it wasn't for hard liquor. With some of the other comments a fellow Board member made and also the Police Chief, I would be in favor of having a public hearing to see what the people in the general area feel about that. I could use that information to be a little bit more firm and base my decision on.

Pizzino: Thank you. At this time, Mr. Patel would you like to come up and address the Board or state anything? If not, you don't have to. Or does anyone want to come up and address the Board on this liquor permit? Anyone at all? Okay – seeing none. Gentlemen, we heard from the Chief and the information provided by our law director. We have two choices, a motion to request a hearing or not to request a hearing. What is your pleasure? Could I have a motion?

ATTACHMENT 08/28/06 M

Meeks moved and Burger seconded a motion to request a hearing on the advisability of issuing the agency contract and request that the hearing be held in our county seat. **3-0 yes**

Pizzino: Mr. Fitzgerald, do you want to tell Mr. Patel what will happen from this point on?

Fitzgerald: Yes. The Division of Liquor Control will establish a hearing and they'll notify you of the date and time. It will be held in the City of Canton.

Meeks: If anybody from the community or anybody from the neighborhood would like to attend they can come and address any issues they would have. Then it would come back to us and then we could address that from that point on. We'd hear from everybody this way. So the next move, you'll hear back from the Division of Liquor Control. And we thank you for coming in this evening.

Public Speaks – Open Forum

Mike Cvengros, 4800 Fleetwood Drive NW, Jackson Township, expressed his concerns to the Board regarding the property at 4840 Fleetwood. Around August 2005, the owner got a permit from Zoning to build a workshop. He said it is not a workshop, it is a house and there have been people living in it at times. He pointed out that even though it is a zoning violation and the previous owner was issued a Notice of Zoning Violation, his greatest concern is the septic

system with two septic systems on one lot. He said he was told the second septic was for emergency standby and that he has smelled sewage.

Pizzino has looked into this matter and confirmed everything Mr. Cvengros said. He said the new owners were sent a letter regarding the use of the house and was told they are renovating the lower level which will be used as an office, recreation area, and hobby shop. He has also asked Mr. Fitzgerald to look into this matter.

Fitzgerald began looking into this on Friday and was told the occupant has moved out. He will make further inquiries on Tuesday.

Meeks requested Mr. Fitzgerald to set up meetings as information is forthcoming so everyone will know what is happening.

Mr. Cvengros also said in regards to the parking issue brought up by Chief Neftzer that as a superintendent for American Electric Power, he has had to have cars removed in order to make room for trucks to get in to make repairs. He suggested issuing permits which stated parking on only one side of the street for functions at an individual's home. He agreed that the problem is bad.

ATTACHMENT 08/28/06 N

Tim Teynor of 6932 Salerno NW, Jackson Township, President of the Jackson Youth Lacrosse Association, read the attached letter to the Board.

Meeks thanked Mr. Teynor for coming in and explained that every year Massillon Cable gives the Township \$15,000. Each Trustee allocates \$5,000 to the organizations of their choice.

Burger moved and Meeks seconded a motion to adjourn.

John Pizzino

Randy Gonzalez