

RECORD OF PROCEEDINGS

MINUTES OF JACKSON TOWNSHIP BOARD OF TRUSTEES MEETING

DECEMBER 9, 2014

Hawke called the meeting to order at 3:10 p.m. at the Jackson Township Hall with all Trustees, Fiscal Officer, Lyon, Vaccaro, Poindexter, Hogue, Brink and Bissler present.

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

Hawke moved and Walters seconded a motion to go into Executive Session for Conference with Attorney for the public body concerning disputes involving the public body that are the subject of pending or imminent court action. **3-0 yes**

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

Upon return from Executive Session at 5:05 p.m., Hawke called the meeting back to order.

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

Upon return from Executive Session at 5:24 p.m., Hawke called the meeting to order with all department heads present. He requested that all cell phones be turned off at this time.

The Pledge of Allegiance was recited.

Public Speaks – None

Administration Department

ATTACHMENT 12/09/14 A

Lyon told the Board that the Health Insurance Consultants have shopped our plan with several other carriers and third party administrators and analyzed the proposals received. She said those proposals were reviewed with the Health Care Cost Containment Committee. She explained the enclosed attachments. She told the Board the Committee recommended Offer B. She introduced Mike Marino and Frank Schneider to answer any questions the Board might have.

Mr. Marino told the Board that some of the changes made last year did save the Township some money and that it was a productive year.

Hawke moved and Pizzino seconded a motion to approve the 2015 Health Benefit Plan with HCC Life as the reinsurance carrier, Mutual Health Services as the third party administrator, and

Medical Mutual of Ohio as the provider network, as recommended by the Health Care Cost Containment Committee. **3-0 yes**

ATTACHMENT 12/09/14 B

Hawke moved and Walters seconded a motion to approve an unpaid medical leave of absence for Eddie Watson and to extend health benefits up to the end of the month following six (6) months from the date the employee begins an approved medical leave of absence in accordance with the attached Health Benefits Plan, effective from November 24, 2014 through May 31, 2015.

3-0 yes

Legal Department

ATTACHMENT 12/09/14 C

Hawke moved and Pizzino seconded a motion to approve Budget Module 2 for Legal Services in the amount of \$35,000.00.

3-0 yes

Administration Department

ATTACHMENT 12/09/14 D

Hawke moved and Walters seconded a motion to approve the 2015 Jackson Township Budget and Planning Document.

3-0 yes

Hawke moved and Pizzino seconded a motion to accept a \$3,000.00 donation (\$1,000.00 each for Fire, Police, and Parks) from Carol Burger in memory of former Trustee and Assistant Fire Chief William "Bill" Burger.

3-0 yes

Fire Department

ATTACHMENT 12/09/14 E

Hawke moved and Walters seconded a motion to approve the appropriation transfer request from account code 210.210.5220, Hospitalization, to account code 210.210.5212, Pension employer, in the amount of \$36,509.41.

3-0 yes

Legal Department

ATTACHMENT 12/09/14 F

Hawke moved and Walters seconded a motion to request a hearing on the advisability of issuing a liquor permit to Phil Augoustinos, 5468 Fulton Dr. N.W., Canton, Oh 44718 and request that the hearing be held at our county seat.

3-0 yes

ATTACHMENT 12/09/14 G

Walters moved and Hawke seconded a motion not to request a hearing on issuing a liquor permit to Macs Convenience Stores LLC, dba Circle K, 5151 Fulton Dr. N.W., Canton, Oh 44718.

3-0 yes

Police Department

Hawke moved and Walters seconded a motion to accept a \$100.00 donation to the Police Department from Philip M. Costanzo. **3-0 yes**

Public Works Department

Park Division

Hawke moved and Walters seconded a motion to accept the donation of an Okame Cherry tree from Brian C. and Angela M. Marcelli in memory of their son Lucas Vincent Marcelli. **3-0 yes**

Hawke moved and Walters seconded a motion to accept a \$1,000.00 donation to the Parks from the Jane Williams Mahoney Philanthropic Fund at the Stark Community Foundation. **3-0 yes**

Hawke moved and Walters seconded a motion to accept the following sponsorship donations for the 2015 Community Celebration:

1. \$100.00 from Southway Fence Company
2. \$100.00 from Excalibur Fence Company
3. \$250.00 from Terry's Truck and Trailer, Inc.
4. \$250.00 from Best Western Plus
5. \$250.00 from Ziegler Companies

3-0 yes

Fiscal Office

ATTACHMENT 12/09/14 H

Hawke moved and Walters seconded a motion to pay the bills in the amount of \$1,532,147.84. **3-0 yes**

ATTACHMENT 12/09/14 I

Hawke moved and Walters seconded a motion to approve the minutes of the November 20, 2014 Board of Trustees' meeting. **3-0 yes**

ATTACHMENT 12/09/14 J

Hawke moved and Walters seconded a motion to approve the November 2014 Financial Reports. **3-0 yes**

ATTACHMENT 12/09/14 K

Gonzalez explained that the reason the Request for Additional Amended Certificate has a negative balance is because the receipts did not come in at the amounts projected by the Auditor's office and some is for monies that weren't spent and will be carried over. He pointed out that it doesn't mean we have less money, we're just changing the budget by that amount.

Hawke moved and Walters seconded a motion for the Request for Additional Amended Certificate of -\$547,998.41. **3-0 yes**

ATTACHMENT 12/09/14 L

Hawke moved and Pizzino seconded a motion to enter the 2014 Supplemental Appropriations of \$452,001.59. **3-0 yes**

Gonzalez explained that with the loss of the inheritance tax and other State cuts the Township foresaw that the levies would not sustain the departments so the Trustees created reserve balance accounts to act as savings accounts. He said these accounts have been established for the Fire, Police and Highway departments and they have currently been using those accounts which has eliminated the need to ask the voters to increase the property tax. He explained that tonight they are setting up one of these accounts for the general fund which pays for the operations of the local government.

RESOLUTION 14-094, ATTACHED

GENERAL FUND ADDITIONAL RESERVE BALANCE ACCOUNT #442

Hawke moved and Walters seconded a motion pursuant to attached ORC Section 5705.132, we hereby:

1. Establish a Reserve Balance Account used to accumulate currently available resources in the General Fund for the cost of future employee's salaries, benefits and other related costs.
2. Authorize the transfer of \$1,000,000.00 from Account 101.150.5986 to be deposited in a special fund for General Fund future employee's salaries, benefits and other related costs named General Fund Additional Reserve Balance Account Fund #442 which said reserve balance account will continue for five fiscal years, commencing fiscal year 2014 and the maximum total amount of money that may be credited to the account during its existence is \$2,000,000.00 and the maximum amount of money to be credited to the account each fiscal year the account exists is \$1,000,000.00 and shall be established, maintained and the monies therein to be invested by the Township Fiscal Officer.
3. Authorize the establishment of the following new codes in the accounting system: Fund #442 – General Reserve Balance Account; receipt #442.000.4990 transfers in from General Fund, and expense code #442.150.5950 – General Reserve Balance Account, fiscal cost center, transfer to #101 General Fund object code. **3-0 yes**

RESOLUTION 14-095, ATTACHED

GENERAL FUND ACCUMULATED BENEFITS #292

Hawke moved and Walters seconded a motion pursuant to attached ORC Section 5705.13B, we hereby amend attached Resolution No. 13-095, effective December 9, 2014, as follows:

1. Establish a General Fund Special Revenue Fund for the purpose of accumulating resources for the payment of accumulated sick leave and vacation leave, and for payments in lieu of taking compensatory time off, upon the termination of employment or the retirement of officers and employees of the subdivision.
2. Authorize the transfer of \$25,000.00 from Account 101.150.5982 to be deposited in a special sub fund named the General Fund Special Revenue fund #292, and can be supplemented if subsequently determined by the Board of Trustees and shall be established and maintained by the Fiscal Officer.

3. Authorize the creation of the following new codes in the accounting system: Fund #292 – General Fund Special Revenue Fund, #292..4990 transfers in from General Fund, expense code #292.150.5140 General Fund Special Revenue Fund, Fiscal cost center, severance object code. **3-0 yes**

RESOLUTION 14-096, ATTACHED

HIGHWAY DIVISION ACCUMULATED BENEFITS #294

Hawke moved and Walters seconded a motion pursuant to attached ORC Section 5705.13B, we hereby amend attached Resolution Number 13-094, effective December 9, 2014, as follows:

1. Establish a Highway Division Special Revenue Fund for the purpose of accumulating resources for the payment of accumulated sick leave and vacation leave, and for payments in lieu of taking compensatory time off, upon the termination of employment or the retirement of officers and employees of the subdivision.
2. Authorize the transfer of \$20,000.00 from Account 204.310.5963 to be deposited in a special sub fund named the Highway Division Special Revenue Fund #294, and can be supplemented if subsequently determined by the Board of Trustees and shall be established and maintained by the Township Fiscal Officer.
3. Authorize the creation of the following new codes in the accounting system: Fund #294 – Highway Special Revenue Fund, #294.000.4990 transfers in from Highway Fund, expense code #294.310.5140 – Highway Special Revenue Fund, Highway operations cost center, severance pay object code. **3-0 yes**

RESOLUTION 14-097, ATTACHED

FIRE LEVY FUND RESERVE BALANCE ACCOUNT #420

Hawke moved and Walters seconded a motion pursuant to attached ORC Section 5705.13(A)(1), we hereby amend attached Resolution 06-129 to now read as follows:

1. Establish a Reserve Balance Account to accumulate currently available resources in the Fire Levy Fund for the purpose of stabilizing the Fire Department Budget against cyclical changes in revenues and expenditures.
2. Authorize the transfer of \$36,124.00 from the Fire Levy Fund Reserve Balance Account, 420.210.5951 to be deposited in the Fire District Levy Fund #210.
3. Authorize the establishment of the following new codes in the accounting system: Fund #420 – Fire Reserve Balance Fund, Receipt #420.000.4990 transfers in from Fire Fund, and Expense code #420.210.5951 – Fire Reserve Balance fund, Fire operations cost center, transfer to #210 Fire fund object code. **3-0 yes**

RESOLUTION 14-098, ATTACHED

RESCISSION OF FIRE LEVY FUND ADDITIONAL RESERVE BALANCE ACCOUNT #422

Hawke moved and Walters seconded a motion pursuant to ORC Section 5705.132, we hereby rescind attached Resolution No. 11-144 related to the establishment of Fire Levy Fund Additional Reserve Balance Account #422 and to transfer the balance contained in Fire Levy Fund Additional Reserve Balance Account #422 of \$350,000.00 to Fire Levy Fund #210. **3-0 yes**

RESOLUTION 14-099, ATTACHED

POLICE LEVY ADDITIONAL RESERVE BALANCE ACCOUNT #432

Hawke moved and Walters seconded a motion pursuant to attached ORC Section 5705.132, we hereby amend attached Resolution 13-093 to now read as follows:

1. Establish a Reserve Balance Account used to accumulate currently available resources in the Police Levy Fund for the cost of future employee’s salaries, benefits and other related costs.
2. Authorize the transfer of \$205,737.36 from the Police Levy Additional Reserve Balance Account 432.250.5951 to be deposited in the Police District Levy Fund #209.
3. Authorize the establishment of the following new codes in the accounting system: Fund #432 – Police Reserve Balance Fund; receipt #432.000.4990 transfers in from Police Fund, and expense code #432.250.5951 – Police Reserve Balance Fund, Police operations cost center, transfer to #209 Police Levy object code. **3-0 yes**

RESOLUTION 14-100, ATTACHED

PARK FUND ACCUMULATED BENEFITS #296

Hawke moved and Walters seconded a motion pursuant to attached ORC Section 5705.13B, we hereby:

1. Establish a Park Fund Special Revenue Fund for the purpose of accumulating resources for the payment of accumulated sick leave and vacation leave, and for payments in lieu of taking compensatory time off, upon the termination of employment or the retirement of officers and employees of the subdivision.
2. Authorize the transfer of \$54,016.00 from Account 214.510.5984 to be deposited in a special sub fund named the Park Fund Special Revenue Fund #296, and can be supplemented if subsequently determined by the Board of Trustees and shall be established and maintained by the Fiscal Officer.
3. Authorize the creation of the following new codes in the accounting system: Fund #296 – Park Fund Special Revenue Fund, #296.4990 transfers in from Park Fund, expense code #296.510.5140 Park Fund Special Revenue Fund, Park cost center, severance object code. **3-0 yes**

RESOLUTION 14-101, ATTACHED

PARK FUND ADVANCE REPAYMENT

Hawke moved and Walters seconded a motion that we hereby approve the attached repayment of advance of cash of \$377,757.00 from Park Fund 214 to General Fund 101 in accordance with attached Resolution No. 13-088. **3-0 yes**

ATTACHMENT 12/09/14 M

Hawke moved and Walters seconded a motion to approve the following fund transfers in accordance with the reserve account resolutions:

Amount	From Fund	Description	To Fund	Description
\$1,000,000.00	101	General Fund	442	General Additional Res. Bal. Acct.
\$25,000.00	101	General Fund	292	General Accum. Benefits Fund
\$20,000.00	204	Road & Bridge	294	Highway Accum. Benefits Fund
\$36,124.00	420	Fire Res. Bal. Acct.	210	Fire Levy Fund

\$350,000.00	422	Fire Add. Res. Bal.	210	Fire Levy Fund
\$205,737.36	432	Police Add. Res. Bal.	209	Police Levy Fund
\$54,016.00	214	Park Levy Fund	296	Park Accu. Benefits Fund

3-0 yes

Routine Business

Announcements

- Next regular Board of Trustees meeting, December 18, 2014, 4:00 p.m., Executive Session and/or Work Session; 5:00 p.m., General Session, Township Hall.
- CIC, December 15, 2014, 12:00 P.M., Papa Bears Restaurant, Dressler Road NW.
- LOGIC, January 8, 2015, 9:00 a.m., Safety Center, Chiefs' Conference Room.
- Board of Zoning Appeals, December 11, 2014, 5:30 p.m., Township Hall.
- Citizens Advisory Committees:
 - Community Celebration, January 14, 2015, 5:30 p.m., Township Hall.
 - Park, January 14, 2015, 6:30 p.m., Township Hall.
 - Highway/Traffic, May 20, 2015, 6:30 p.m., Township Hall.
- Friends of the Park, January 14, 2015, 7:00 p.m., Township Hall.
- Bicentennial Committee, January 13, 2015, 6:30p.m., Jackson Old School House on Fulton Road.
- Jackson Township Recycling Station Board, December 17, 2014, 11:00 a.m., Buehler's Community Room.
- Holiday in the Park, Saturday, December 13, 2014, 5:00 – 7:00 p.m., Jackson North Park.
- Santa's Mailbox, December 1 – 15, 2014, front entrance of Township Administration Building.
- Jackson Township Facebook Page, Jackson Township Board of Trustees, Stark County, Ohio.

Zoning & Planning Department

ATTACHMENT 12/09/14 N

Hawke moved and Walters seconded a motion to appoint Gerald Seidell to serve as a member of the Jackson Township Zoning Commission for a five-year term, from January 1, 2015 through December 31, 2019. **3-0 yes**

Hawke moved and Pizzino seconded a motion appoint John Weston to serve as an alternate member of the Jackson Township Zoning Commission for a one-year term, from January 1, 2015 through December 31, 2015. **3-0 yes**

Hawke moved and Pizzino seconded a motion to appoint Charles Rohr to serve as a member of the Jackson Township Board of Zoning Appeals for a five-year term, from January 1, 2015 through December 31, 2019. **3-0 yes**

Hawke moved and Pizzino seconded a motion to appoint Richard Lutz as an alternate member of the Jackson Township Board of Zoning Appeals for a one-year term, from January 1, 2015 through December 31, 2015. **3-0 yes**

Hawke called a short recess.

ATTACHMENT 12/09/14 O

Upon return, Hawke opened the Public Hearing for Zoning Amendment 614-14, Omega Investment Properties, LLC, and Cooper & Associates, LLP, agent for M. Petros Investments LLC, property owner, proposing to rezone from R-R (Rural Residential) to R-3 Residential Planned Unit Development (PUD), 8.24 acres, more or less, located at the NE corner of Stuhldreher and Hills & Dales NW.

Poindexter told the Board this went before Stark County Regional Planning in November and that they recommended approval and the reason is that the property is surrounded by roadways on three different sides and that the general land use in the area primarily consists of a mixture of open space areas and higher density residential development. She said it went before the Zoning Commission on November 19 and they recommended approval as requested.

Hawke asked if anyone wanted to speak in favor of the amendment.

Brian Ashman a partner at Cooper & Associates, 1359 Market Ave. N., Canton said Cooper & Associates is the engineer and surveyor for the applicant. He said the property is at the northeast corner of Stuhldreher and Hills & Dales and consists of about 7 ½ acres outside of the road right-of-way. He discussed the planned entrances and exits, the existing types of structures and zoning in the area, and traffic patterns. He pointed out that it would be the condominium association's responsibility to perform all maintenance on the property, both on the units, the roadways and the storm water management basin.

Frank Saltalamacchia said he represented Omega Investments Properties and that his family owns Summit Homes. He said he and his father-in-law own the property. He said the target market for this property would be 55 and over.

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

Troy Julian said he is representing his mother who was not in attendance. He said the condominiums sound very nice but wanted to know if they were rentals or not. He suggested changing the zoning to R-1 and put some nice homes in there.

Jeff Crawford, 3691 Perry Dr. N.W., said he lives not very far from the zoning change and that he has heard some good things during the presentation. He asked to have a map shown. He said he lives across from some condominiums and the driveway from them is across from his and there is usually someone trying to leave at the same time he is. He said he was concerned about the traffic especially when the soccer fields are in use. He said his concern was the access points.

Hawke asked if anyone else wanted to speak against the amendment. No one came forward. He closed that portion of the hearing. He asked for the applicant's rebuttal.

Brian Ashman said he wanted to reemphasize that traffic is always a concern and that having single family lots would generate the type of market they don't want. He said access is pretty difficult but he has visited the site numerous times and if the park isn't being used for soccer games the traffic generated by the park and along Stuhldreher isn't very much. He pointed out that the R-3 Residential Planned is good step down zoning from the multi-family property to the east.

Hawke closed the hearing and opened it up for discussion among the Trustees.

Pizzino said the R-3 PUD is probably one of the best plans they could have. He pointed out that the plan cannot be changed without presenting the changes to the Board.

Walters said he drives through there quite a bit and at times traffic is heavy but there are many places in the Township where it is a lot worse. He said that intersection has recently been improved. He said this is probably a pretty good use for the property.

Hawke moved and Walters seconded a motion to go into recess. **3-0 yes**

Hawke called the meeting back to order. He said he would be more comfortable seeing a more specific plan regarding the site layout and landscaping along Hills & Dales.

Pizzino moved and Hawke seconded a motion to continue the hearing on December 18 at 5:30 p.m. **3-0 yes**

ATTACHMENT 12/09/14 P

Poindexter told the Board the history of Zoning Amendment 615-14, that Carol Campbell, agent for Ohio Kentucky Oil Company, property owner, proposes to rezone from B-1 (Suburban Office & Limited Business District) to B-3 (Commercial Business District), approximately .38 acres located at 5112 Portage Street NW. She said this went to Stark County Regional Planning and they recommended approval because the tract is surrounded by businesses on the north, south and east with the parcel to the west being vacant land. She said that the tract is on the border between the commercial business and the developed urban residential area. She said this went to the Zoning Commission on November 19. She said at the Zoning Commission meeting the applicant stated the reason for the request was to put in a Nom Nom Popcorn Store in the existing building. She said retail is a permitted use within the B-2 district as long as the building is less than 7500 square feet. She said the building in question is just under 1000 square feet so the applicant felt the proposed retail use could be utilized within the B-2 district. She said the applicant modified the rezoning application and the Board voted to approve the rezoning as modified from B-1 to B-2 (Neighborhood Business District).

Hawke opened the hearing and asked if anyone would like to speak in favor of the amendment.

Carol Campbell said they had an office in the building at 5112 Portage and that they are in the process of selling it contingent upon the zoning change to commercial.

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

Hawke asked if anyone wanted to speak against the zone change. No one came forward. He closed that portion of the hearing.

Hawke closed the rezoning hearing.

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

Old Business – None

New Business – None

Public Speaks – Open Forum

No one came forward.

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

Todd Hawke

Randy Gonzalez