

## RECORD OF PROCEEDINGS

### MINUTES OF JACKSON TOWNSHIP BOARD OF TRUSTEES MEETING

DECEMBER 11, 2006

Pizzino called the meeting to order at 4:04 p.m. at the Jackson Township Hall with all Trustees, Fiscal Officer, Lyon, Fitzgerald, Moore, Ruwadi and Sereno present.

#### Departmental Budget Reviews

##### Central Maintenance

Meeks moved and Burger seconded a motion to approve Central Maintenance Budget Module 07-1 to provide funding at the current level of service in the amount of \$615,242.00. **3-0 yes**

Meeks moved and Pizzino seconded a motion to table Central Maintenance Budget Module 07-2 to provide funding for full-time secretarial assistance in the amount of \$54,520.00. **3-0 yes**

Meeks moved and Burger seconded a motion to approve Central Maintenance Budget Module 07-3 to provide funding for a computer program to track all aspects of facility maintenance in the amount of \$6,000.00. **3-0 yes**

Meeks moved and Burger seconded a motion to table Central Maintenance Budget Module 07-4 to provide funding to resurface & re-stripe the existing parking lot at Township Hall in the amount of \$4,320.00. **3-0 yes**

##### Park Department

Meeks moved and Pizzino seconded a motion to approve Park Budget Module 07-1 to provide funding at the current level of service of operations in the amount of \$815,083.00. **3-0 yes**

Meeks moved and Burger seconded a motion to approve Park Budget Module 07-2 to provide funding at the current level of service for recreational programming in the amount of \$79,460.00. **3-0 yes**

Meeks moved and Burger seconded a motion to approve Park Budget Module 07-3 to provide funding for an Operations Foreman to handle the day-to-day operations and supervise park employees in the amount of \$7,500.00. **3-0 yes**

Meeks moved and Pizzino seconded a motion to approve Park Budget Module 07-4 to provide funding for an additional seasonal maintenance employee in the amount of \$20,000.00. **3-0 yes**

Meeks moved and Burger seconded a motion to approve Park Budget Module 07-5 to provide funding for a full-time turf specialist in the amount of \$2,000.00. **3-0 yes**

Pizzino moved and Meeks seconded a motion to table Park Budget Module 07-6 to provide funding for a new ¾ ton truck in the amount of \$21,500.00. **3-0 yes**

Meeks moved and Burger seconded a motion to table Park Budget Module 07-7 to provide funding for a 40 X 100 storage building in the amount of \$175,000.00. **3-0 yes**

Pizzino moved and Meeks seconded a motion to table Park Budget Module 07-8 to provide funding for a new all purpose vehicle in the amount of \$25,340.00. **3-0 yes**

Meeks moved and Pizzino seconded a motion to table Park Budget Module 07-9 to provide funding to re-coat the North Park walking path in the amount of \$50,000.00. **3-0 yes**

Pizzino moved and Meeks seconded a motion to table Park Budget Module 07-10 to provide funding to light the tennis courts in North Park in the amount of \$130,000.00. **3-0 yes**

Meeks moved and Pizzino seconded a motion to table Park Budget Module 07-11 to provide funding for fencing for the proposed basketball courts in North Park in the amount of \$23,500.00. **3-0 yes**

Meeks moved and Pizzino seconded a motion to approve Park Budget Module 07-12 to provide funding for funding for eight permanent player's benches for the basketball courts in North Park in the amount of \$1,900.00. **3-0 yes**

Pizzino moved and Burger seconded a motion to table Park Budget Module 07-13 to provide funding for paving the parking lot at Fisher Park as well as seal and recoat lines in the amount of \$40,000.00. **3-0 yes**

Pizzino moved and Meeks seconded a motion to table Park Budget Module 07-14 to provide funding for construction of a skate park in North Park in the amount of \$90,000.00. **3-0 yes**

Meeks moved and Pizzino seconded a motion to table Park Budget Module 07-15 to provide funding for 4 foot fencing for the proposed skate park in the amount of \$7,500.00. **3-0 yes**

Pizzino moved and Meeks seconded a motion to approve Park Budget Module 07-16 to provide funding for operations & fireworks for the annual Jackson Community Celebration in the amount of \$50,000.00. **3-0 yes**

Meeks moved and Pizzino seconded a motion to table Park Budget Module 07-17 to provide funding for the annual Labor Day Celebration held in North Park in the amount of \$7,000.00. **3-0 yes**

Meeks moved and Burger seconded a motion to approve Park Budget Module 07-18 to provide funding for the annual Haunted Hayride held in South Park in the amount of \$2,000.00. **3-0 yes**

Pizzino moved and Meeks seconded a motion to approve Park Budget Module 07-19 to provide funding for two additional summer concerts in the North Park in the amount of \$3,000.00.

**3-0 yes**

Pizzino moved and Meeks seconded a motion to go into Executive Session for Land Acquisition.

**3-0 yes**

Pizzino moved and Meeks seconded a motion to go into Executive Session for Personnel (Appointment/Employment/Compensation) – CIC, Independent Contractor, Citizens Advisory Committee members.

**3-0 yes**

Upon return from Executive Session at 5:30 p.m., Pizzino opened the Work Session with Boger, Neftzer, Heck and Poindexter present.

### **Highway Department**

Boger reminded the Board about the traffic situation at Caritas and Wales. He presented a letter to be sent to Columbus to re-appeal the appeal and try to correct the problems. Meeks explained that the developer, Mercy, had a checklist to complete for ODOT to be able to turn Caritas over to the Township for maintenance. One of the conditions was to put in 'right in' and 'right out' signage up and paint islands out onto Route 241. Once the DeHoff development is completed, it will be a lighted intersection but until that time, the State requested Caritas be right-in, right-out only. Meeks reported that talks with ODOT and Senator Schuring have resulted in some additional talks, and it has been requested that the letter not be sent to the Director of ODOT until Senator Schuring gets back with the results from his meetings.

#### **ATTACHMENT 12/11/06 A**

Pizzino moved and Meeks seconded a motion to send a letter to ODOT requesting full access to the intersection of Wales and Caritas, if needed.

**3-0 yes**

Boger also updated the Board on the street light at Caritas and Wales. He reported that the most recent update from Raymond Freed of Ohio Edison stated that the existing poles are not sufficient for a 12 foot arm. The price would be \$3,389.87 for a new pole, a 12 foot arm, transformers, extension of wire and several other requirements needed to install a new street light.

Meeks said it would be an improvement to the intersection and that it would be money well spent. Pizzino agreed.

Pizzino moved and Meeks seconded a motion to approve the installation of a streetlight at the intersection of Wales Ave. and Caritas Circle.

**3-0 yes**

#### **ATTACHMENT 12/11/06 B**

Boger showed a map on the overhead projector of the Hills & Dales and Hoverland area. He explained that a letter has been received from a resident requesting that a streetlight be installed because the intersection is pretty dark. Boger pointed out that the next intersection at Kipling

has the same problem. The Board asked that Boger suggest to the petitioner about creating a lighting district. Gonzalez asked Boger to check to see if there is a neighborhood association and he would contact them.

**ATTACHMENT 12/11/06 C**

Jerry Neighbors, President of J & B Outdoor and Bo Hagood, Vice-President, from Indianapolis, are in the business of outdoor advertising and presented a proposal to the Board for erecting an LED advertising sign on Township owned land that would earn Jackson Township \$360,000 over 20 years and an equal amount of advertising. The sign would be 10.6' x 36' on land that is zoned industrial, no variance is required and it is legal for an outdoor advertising sign at the present time. The LED technology allows them to sell local advertising to the people in Jackson Township. There would be eight advertising messages that change every eight seconds. He presented a DVD on the type of sign and the company that produces them. Mr. Neighbors stated that it could be used for an Amber alert or other emergency warning and that message would be there within two hours.

At 6:06 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**

**RESOLUTION 06-114, ATTACHED**

Meeks moved and Burger seconded a motion to re-appoint Jim Giullito to serve as a member of the Board of Zoning Appeals for a five year term, effective January 1, 2007 through December 31, 2011, and set the compensation at the rate established by the Board of Trustees.

Be it further resolved that we hereby re-appoint Eric Oldroyd to serve as an alternate member of the Board of Zoning Appeals for a one year term, effective January 1, 2007 through December 31, 2007, and set the compensation at the rate established by the Board of Trustees. **3-0 yes**

**RESOLUTION 06-115, ATTACHED**

Meeks moved and Burger seconded a motion to re-appoint David Benner to serve as a member of the Zoning Commission for a five year term, effective January 1, 2007 through December 31, 2011, and set the compensation at the rate established by the Board of Trustees.

Be it further resolved that we hereby re-appoint James Conley to serve as an alternate member of the Zoning Commission for a one year term, effective January 1, 2007 through December 31, 2007, and set the compensation at the rate established by the Board of Trustees. **3-0 yes**

**ATTACHMENT 12/11/06 D**

Meeks moved and Burger seconded a motion to re-appoint the following individuals to the 2007 Highway/Traffic Citizens Advisory Committee:

1. James Donze
2. Klaus Kuttrus
3. John Nedelk
4. Janice Spadone

**3-0 yes**

**ATTACHMENT 12/11/06 E**

Meeks moved and Burger seconded a motion to re-appoint the following individuals to the 2007 Park Citizens Advisory Committee:

1. James Bauder
2. Wanda Hinderer
3. Steve Rohr
4. Lawrence Rohrig
5. Millie Stergios
6. Steve Studer

**3-0 yes**

Meeks moved and Burger seconded a motion to appoint Paul Biedenbach to the 2007 Park Citizens Advisory Committee.

**3-0 yes**

**ATTACHMENT 12/11/06 F**

Meeks moved and Burger seconded a motion to approve Certificates of Appreciation for the 2006 Highway/Traffic and Park Citizens Advisory Committee members and to authorize the Trustees and Fiscal Officer's signatures on the certificates.

**3-0 yes**

**Fire Department**

**ATTACHMENT 12/11/06 G**

Meeks moved and Pizzino seconded a motion to approve the appropriation transfer request from account code 210.210.5220, Hospitalization Insurance, to account code 210.210.5120, Overtime, in the amount of \$22,214.63; from account code 210.210.5230, Workers Comp., to account code 210.210.5120, Overtime, in the amount of \$11,607.87; and from account code 210.210.5652, Inv. Equipment, to account code 210.210.5120, Overtime, in the amount of \$7,000.00 for a total of \$40,822.50.

**3-0 yes**

**ATTACHMENT 12/11/06 H**

Meeks moved and Burger seconded a motion to approve the appropriation transfer request from account code 210.210.5110, Regular Salary, to account code 210.210.5210, Pension Pick-up, in the amount of \$9,426.42, and from account code 210.210.5110, Regular Salary, to account code 210.210.5212, Pension Employer, in the amount of \$29,484.26, for a total of \$38,910.68. **3-0 yes**

**RESOLUTION 06-116, ATTACHED**

Meeks moved and Burger seconded a motion to adopt and authorize the placement of the Board President's signature on the attached Memorandum of Understanding with the Board of Stark County Commissioners for the Stark County-wide Hazardous Materials response team mass casualty decontamination trailer.

**3-0 yes**

## **Highway Department**

### **ATTACHMENT 12/11/06 I**

Meeks moved and Burger seconded a motion to approve the ODOT request for Fulton/Wales right-of-way funding. **3-0 yes**

### **RESOLUTION 06-117, ATTACHED**

Meeks moved and Burger 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 Jack Doheny Supplies Ohio Inc. for the purchase of a 2006 Elgin Whirlwind Sweeper as described in the Contract for a total amount of \$160,870.50 which the prices are listed in the State Purchasing Contract. **3-0 yes**

### **ATTACHMENT 12/11/06 J**

Meeks moved and Burger seconded a motion to approve Highway Budget Module 5-A-06 for additional funds needed to purchase a new Elgin Whirlwind Sweeper for the amount of \$5,870.50. **3-0 yes**

### **ATTACHMENT 12/11/06 K**

Meeks moved and Burger seconded a motion to approve the appropriation transfer request from account code 204.310.5220, Hospitalization, to account code 204.310.5652, Equipment/Vehicles/Trucks, in the amount of \$5,870.50. **3-0 yes**

## **Legal Department**

### **RESOLUTION 06-118, ATTACHED**

Meeks moved and Burger seconded a motion pursuant to ORC Sections 505.86 and 505.87, we hereby amend the attached nuisance legislation to include and be placed on the tax duplicate the Stark County 1.33% collection fee and a \$100 processing charge for certified mail, title search and other administrative costs relating to nuisance actions which is additional to abatement costs. **3-0 yes**

### **RESOLUTION 06-119, ATTACHED**

Meeks moved and Burger seconded a motion pursuant to ORC Sections 3794.01 through 3794.09 smoking is prohibited in public places and places of employment as defined in the attached statutes, which are incorporated herein.

Re it resolved that pursuant to ORC Sections 3794.02 and 3794.06, we hereby determine that:

1. No smoking shall be permitted in a public place or place of employment or in the areas directly or indirectly under the control of the Board of Trustees immediately adjacent to locations of ingress or egress to the public place or place of employment.
2. "No Smoking" signs or the international "No Smoking" symbol (consisting of a pictorial representation of a burning cigarette enclosed in a red circle with a red bar across it) shall be conspicuously posted in every public place and place of employment where smoking is

prohibited by this chapter, including at each entrance to the public place or place of employment. Signs shall be of sufficient size to be clearly legible to a person of normal vision throughout the areas they are intended to mark. All signs shall contain a telephone number for reporting violation.

3. All ashtrays and other receptacles used for disposing of smoking materials shall be removed from any area where smoking is prohibited by ORC Chapter 3794.

Be it further resolved that the Board of Trustees attached previous No Smoking Resolution adopted on March, 1996 is hereby rescinded. **3-0 yes**

**ATTACHMENT 12/11/06 L**

Meeks moved and Burger seconded a motion pursuant to ORC Section 309.09(B), to employ and authorize the law firm of Squire, Sanders & Dempsey to advise and represent the Board of Trustees of Jackson Township, Stark County, Ohio or any other member of employee thereof in any issues or matter as requested by the Board of Trustees or Law Director including advice upon and preparation of documents for proposed TIF Projects at the rate applicable to the Attorney or other staff member who is involved with the work in accordance with the attached purchase order. **3-0 yes**

**ATTACHMENT 12/11/06 M**

Meeks moved and Burger seconded a motion to approve the appropriation transfer request from account code 101.140.5220, Hospitalization, to account code 101.140.5440, Legal Services, in the amount of \$3,500.00. **3-0 yes**

**Police Department**

**ATTACHMENT 12/11/06 N**

Meeks moved and Pizzino seconded a motion to accept the resignation, due to retirement, of Margaret M. Gardner, secretary in the Police Department, effective December 29, 2006, and to authorize advertising for the position. **3-0 yes**

**ATTACHMENT 12/11/06 O**

Meeks moved and Burger seconded a motion to approve the appropriation transfer request

From account code	To account code	Amount
209.250.5114 Temp Services	209.250.5526 Fuel	\$ 4,000.00
209.250.5220 Hospitalization	209.265.5110 Regular Salaries	4,000.00
209.250.5220 Hospitalization	209.265.5120 Dare OT	1,250.00
209.250.5220 Hospitalization	209.265.5210 Dare Pension P/U	500.00
209.250.5220 Hospitalization	209.265.5212 Dare Pension Empl	800.00
209.255.5112 Part-time Wages	209.255.5120 Patrol OT	28,733.81
209.250.5220 Hospitalization	209.250.5141 Equip Maint Cont	5,793.09

for a total amount of \$45,076.90. **3-0 yes**

**ATTACHMENT 12/11/06 P**

Meeks moved and Burger seconded a motion to accept a \$15,000 donation to the Police Department from the Fraternal Order of Eagle, North Canton Aerie #2223. **3-0 yes**

**ATTACHMENT 12/11/06 Q**

Meeks moved and Burger seconded a motion to approve out-of-state travel for two police and two fire department employees to attend “Incident Response to Terrorist Bombings” course in 2007. **3-0 yes**

**Fiscal Office**

**ATTACHMENT 12/11/06 R**

Meeks moved and Burger seconded a motion to pay the bills in the amount of \$1,494,493.06. **3-0 yes**

**ATTACHMENT 12/11/06 S**

Meeks moved and Burger seconded a motion to approve the minutes of November 13 and November 22, 2006 Board of Trustees meetings. **3-0 yes**

**ATTACHMENT 12/11/06 T**

Meeks moved and Pizzino seconded a motion to approve the November 2006 financial reports. **3-0 yes**

**RESOLUTION 06/120, ATTACHED**

Meeks moved and Burger seconded a motion to approve the attached repayment of advance of cash of \$230,893.90 from Police Fund 209 to General Fund 101 in accordance with attached Resolution No. 05-054. **3-0 yes**

Gonzalez explained that this is money taken from the General Fund and loaned to the Police Department. Without this repayment, the budget approved for the Park Department could not have taken place. He pointed out that the issue of operating the Parks from the General Fund will be getting worse since the State keeps taking money away and it isn't being replaced.

**RESOLUTION 06-121, ATTACHED**

Pizzino moved and Meeks seconded a motion pursuant to attached ORC Section 5705.13(C), we hereby amend attached Resolution Number 05-110, effective December 11, 2006, to now read as follows:

1. Establish a Capital Projects Reserve Balance Account, Fund #324, for the purpose of accumulating resources for the acquisition, construction or improvement of fixed assets for **Highway Department** services through the performance of the projects described in attached Amended Exhibit A.
2. Authorize the transfer and/or receipt of monies set forth in Amended Exhibit A totaling \$11,683,311.53 from Account 202.310.5959, 203.310.5959, 204.310.5959 and 211.310.5959 to be deposited in a special fund named the Capital Projects Reserve

Balance Account Fund #324 which is the amount to be accumulated in the Reserve Balance Account and which said amount shall be accumulated over a ten year period from the effective date of this Resolution and shall be established, maintained and monies therein to be invested by the Township Fiscal Officer.

3. Authorize the creation of the following new codes in the accounting system: Fund #324 – capital projects fund, Receipt #324.4990 – transfer in, Expense code #324.310.5604 – capital projects fund, highway cost center, road improvements object code and all expense codes on attached Amended Exhibit A. **3-0 yes**

#### **RESOLUTION 06-122, ATTACHED**

Pizzino moved and Meeks seconded a motion pursuant to attached ORC Section 5705.13(C), we hereby amend attached Resolution No. 03-077 as follows:

1. Establish a Capital Projects Fund #325, for the purpose of accumulating resources for the acquisition, construction or improvement of fixed assets for **Police Department** services through the acquisition of Police Department cruisers as described in attached Amended Exhibit A.
2. Authorize the additional transfer of \$260,000 from Account 209.250.5965 to be deposited in a special fund named the Capital Projects Account Fund #325 which is the amount to be accumulated in the Capital Projects Account and which said amount shall be accumulated over a ten year period from the effective date of this Resolution and shall be established, maintained and monies therein to be invested by the Township Fiscal Officer.
3. Authorize the creation of the following new codes in the accounting system: Fund #325 – Police Capital Projects fund, Receipt #325.000.4990 – transfer in, Expense code #325.250.5960 – capital projects fund, Police cost center, equipment object code. **3-0 yes**

#### **RESOLUTION 06-123, ATTACHED**

Pizzino moved and Meeks seconded a motion pursuant to attached ORC Section 5705.13(B), we hereby amend attached Resolution No. 03-079 as follows:

1. Establish a **Police Department 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 additional transfer of \$200,000 from Account 209.250.5964 to be deposited in a special fund named the Police Department Special Revenue Fund #295, 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 #295 – Police Special Revenue Fund, #295.000.4990 transfers in from Police Fund, expense

code #295.250.5140 – Police Special Revenue Fund, Police operations cost center, severance pay object code, and Expense code #295.250.5956 – Police fund, Police operations cost center, transfer to #209 object code. **3-0 yes**

**ATTACHMENT 12/11/06 U**

Pizzino moved and Meeks seconded a motion to approve fund transfers in accordance with the reserve account resolutions at this meeting:

\$1,350,000.00 from Fund 211, Road Levy to Fund 324, Highway Capital  
\$ 260,000.00 from Fund 209, Police Levy to Fund 325, Police Capital  
\$ 200,000.00 from Fund 209, Police Levy to Fund 295, Police Retirement. **3-0 yes**

**ATTACHMENT 12/11/06 V**

Meeks moved and Burger seconded a motion to request an additional amended certificate in the amount of (\$58,139.07). **3-0 yes**

**ATTACHMENT 12/11/06 W**

Meeks moved and Burger seconded a motion to approve the supplemental appropriations in the amount of \$876,032.23. **3-0 yes**

**Routine Business**

**Announcements**

- Next regular Board of Trustees meeting, December 22, 2006, 4:00 p.m. Executive Session and/or Work Session, 6:00 p.m., General Session, Township Hall.
- CIC, December 13, 2006, 12:00 p.m., Papa Bears.
- LOGIC, January 4, 2007, 9:00 a.m., Safety Center, Chiefs Conference Room.
- Board of Zoning Appeals:
  - December 14, 2006, 7:00 p.m., Township Hall
  - January 11, 2007, 7:00 p.m., Township Hall.
- Citizens Advisory Committees:
  - Park, December 12, 2006, 6:30 p.m., Township Hall.
  - Community Celebration, including Board of Trustees, December 18, 2006, 6:00 p.m., Township Hall.

**Old Business** – None

**New Business**

**ATTACHMENT 12/11/06 X**

Meeks moved and Burger seconded not to request a hearing on Ohio Division of Liquor Control notice for Janus American Services Corp., 4520 Everhard Road NW, Patio and Pool. **3-0 yes**

**ATTACHMENT 12/11/06 Y**

Pizzino moved and Burger seconded to table the decision on Ohio Division of Liquor Control notice for Evets Enterprises Inc., dba Papa Gyros, 4760 Everhard Rd. **3-0 yes**

**Zoning Department**

Pizzino referenced the Public Hearing on Zoning Amendment 554-06 (Portage/Lutz) at 6:30 p.m. He read a letter requesting to remove the re-zoning hearing from the agenda. Ms. Poindexter explained that the developer has withdrawn the amendment but they do have the right to re-file which would require the entire process to start at the beginning as if it were a new amendment.

**Public Speaks – Open Forum**

Fernando Bilotta, 6955 Lutz, has lived here three years and said he wouldn't mind seeing something like Hunter Chase across the street from him, quality, single family homes. He said he wouldn't even mind cluster homes which are like condos but are free-standing and have a little personality. He said he doesn't like the potential of renters or the look of a box of cans across the street.

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

At 7:33 p.m., Pizzino called the meeting back to order.

Pizzino moved and Burger seconded a motion to approve the negotiated agreement between the Jackson Township Board of Trustees and the Fraternal Order of Police, Ohio Labor Council Inc., Lieutenants, effective January 15, 2007 through January 14, 2010. **3-0 yes**

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

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**John Pizzino**

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**Randy Gonzalez**