

RECORD OF PROCEEDINGS

MINUTES OF JACKSON TOWNSHIP TRUSTEES MEETING

FEBRUARY 13, 2006

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

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

Pizzino moved and Burger seconded a motion to go into Executive Session for Park Personnel (Appointment/Employment/Compensation) Interview maintenance and programming applicants. **3-0 yes**

At 6:05 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

Parthena Draggett, Spanish and French Teacher at Jackson High School, 5 West Drive, Hartville, Ohio explained that 2005 was named the Year of Languages and that it is has been expanded to 2006. This year the theme in Stark County is 'Discover Languages: Discover the World'. She explained the goal is to inspire and enhance the appreciation for world languages in the United States and especially in Stark County.

Meeks moved and Burger seconded a motion that whereas, the purpose of the American Council on the Teaching of Foreign Languages is to promote the languages throughout the country; and

Whereas, the goal of 2006 The Year of Languages for Stark County...Discover Languages; Discover the World celebration is to advance the concept that every American should develop proficiency not only in English, but in other languages as well; and

Whereas, by educating students, parents and the public in general about the benefits that students gain from studying and learning other languages and the ability to converse in and comprehend another language is only the beginning; and

Whereas, the American Council on the Teaching of Foreign Languages is hosting a kick-off event for the 2006 Year of Languages for Stark County...Discover Languages: Discover the World on February 23, 2006, and we offer our best wishes for a successful, productive gathering.

Now therefore be it resolved that we, the duly elected Board of Trustees of Jackson Township, Stark County, Ohio, hereby proclaim 2006 The Year of Languages for Stark County...Discover Languages: Discover the World in Jackson Township. **3-0 yes**

Administration Department

RESOLUTION 06-007, ATTACHED

Meeks moved and Burger seconded a motion that the Jackson Township Board of Trustees approves filing an application for financial assistance, that David Ruwadi is hereby authorized and directed to execute and file an application with the Ohio Department of Natural Resources and to provide all information and documentation required to become eligible for possible funding assistance and that the Jackson Township Board of Trustees does agree to obligate to funds required to satisfactorily complete the proposed project and become eligible for reimbursement under the terms of the Nature Works Program. **3-0 yes**

ATTACHMENT 2/13/06 A

Pizzino moved and Meeks seconded a motion to approve the appropriation transfer request from account code 214.515.5110, Programming Salaries, to account code 214.510.5235, Unemployment, in the amount of \$8,086.00. **3-0 yes**

ATTACHMENT 2/13/06 B

Meeks moved and Burger seconded a motion to adopt the attached donation for roofed dugouts from the Jackson Fastpitch Association. **3-0 yes**

ATTACHMENT 2/13/06 C

Pizzino moved and Meeks seconded a motion to authorize Trustee Burger as the Board's representative to attend the annual Health District Advisory Council Meeting on March 2, 2006. **3-0 yes**

ATTACHMENT 2/13/06 D

Meeks moved and Burger seconded a motion to adopt the attached amended policy for Utilization of Township Hall. **3-0 yes**

ATTACHMENT 2/13/06 E

Meeks moved and Burger seconded a motion to adopt the attached revision to the Rules Governing First Public Speaks Segment of Regular Trustees Meetings. **3-0 yes**

ATTACHMENT 2/13/06 F

Meeks moved and Burger seconded a motion to adopt the attached Holiday Pay revision to the Management Package. **3-0 yes**

ATTACHMENT 2/13/06 G

Meeks moved and Burger seconded a motion to authorize the hiring of Joseph Suarez as a temporary park maintenance worker, through the temporary service, subject to a negative drug screen, at the rate of \$8.00 per hour, effective February 14, 2006, per the recommendation of the Park Operations Director. **3-0 yes**

Fire Department

Heck: Thank you, gentlemen. You should have a copy of a resolution the law director prepared based on the auditor's release for our request to replace our 5.6 mill levy with an additional .4 added to that. Again, just for clarification to the news media, I have been bombarded with people that believe we're seeking a 6 mill additional levy. We are not. It's a .4 additional levy, 5.6 replacement. On a \$100,000 home, about \$33 a year total cost; \$175,000 home about \$57 a year. There are a lot of misconceptions that this is a 6 mill additional operating levy for the Fire Department and it is not. Please, anything that can be done to clarify that will make a big difference. This is the only levy we have and without it there will be a drastic change in what exists with the Fire Department.

RESOLUTION 06-008, ATTACHED

Meeks moved and Burger seconded a motion that be it resolved that there shall be submitted to the electors of Jackson Township, Stark County, Ohio, at the primary election to be held on May 2, 2006, the question of the replacement of five and six tenths (5.6) mills of an existing tax levy and an increase of four tenths (.4) mills to constitute a tax levy of six (6) mills outside the ten (10) mill limitation in and for said subdivision for the purpose of providing and maintaining fire apparatus, appliances, buildings, or sites therefore, or sources of water supply and materials therefore or the establishment and maintenance of lines of fire alarm telegraph, or the payment of permanent, part-time, or volunteer firefighters or firefighting companies to operate the same, including the payment of the firefighters employer's contribution required under section 742.34 of the revised code, or to purchase ambulance equipment or to provide ambulance or emergency medical services operated by a fire department or firefighting company for Jackson Township, Stark County, Ohio for three (3) years, tax years 2006, 2007 and 2008, commencing in 2006, first due in calendar year 2007.

Be it further resolved that the submission of said proposal, the notice of election, the form of ballot, the certification of the levy as voted outside the ten (10) mill limitation, and the levying of such millage shall be in accordance with the provisions of Sections 5705.19, 5705.191 and 5705.192 and other related sections of the Ohio Revised Code and in accordance with the statutes in such cases made and provided; and that the levy is to be placed on the tax lists of tax years 2006, 2007 and 2008, commencing in 2006, first due in calendar year 2007.

Be it further resolved that the form of ballot cast at such elect shall be:

(A majority affirmative vote is necessary for passage)

“A replacement of five and six tenths (5.6) mills of an existing levy and an increase of four tenths (.4) mills, to constitute a tax levy of six (6) mills for the benefit of Jackson Township, Stark County, Ohio, for the purpose of providing and maintaining fire apparatus, appliances, building, or sites therefore, or sources of water supply and materials therefore or the establishment and maintenance of lines of fire alarm telegraph, or the payment of permanent, part-time, or volunteer firefighters or firefighting companies to operate the same, including the payment of the firefighters employer's contribution required under section 742.34 of the revised code, or to purchase ambulance equipment or to provide ambulance or emergency medical

services operated by a fire department or firefighting company for Jackson Township, Stark County, Ohio at a rate not to exceed six (6) mills for each One Dollar (\$1.00) of valuation which amounts to sixty cents (\$0.60) for each one hundred dollars in valuation, for three (3) years, commencing in 2006, first due in calendar year 2007.

FOR THE TAX LEVY

AGAINST THE TAX LEVY

Be it further resolved that the Fiscal Officer of this Board be, and hereby is, directed and authorized to proceed forthwith the certification hereof to the Board of Elections of Stark County, Ohio pursuant to the provisions of Sections 5705.19, 5705.191 and 5705.192 and other related statutes, and to proceed with all things necessary to be done in order to accomplish the purpose of this resolution.

Be it further resolved that it is found and determined that all formal actions of this Board concerning and relating to the adoption of this resolution were adopted in an open meeting of this Board, and that all deliberations of this Board that resulted in such formal actions were in meetings open to the public in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Be it further resolved that it is found and determined that all formal actions of this Board complied with Ohio Revised Code Section 5705.03(B) and that the attached certification was provided by the Stark County Auditor as required by law, which is hereby acknowledged and accepted by this Board. **3-0 yes**

Pizzino: Chief Heck, you started to say that this is the same levy you had on other than the .4 for the last 20 years. You want to touch on that a little bit? It's just a replacement levy.

Heck: It's a replacement levy which is an increase to the property owner to bring it back up to the 5.6 mills and the .4 addition is to cover the loss of personal property tax that the State has implemented on the commercial inventory in Ohio. It demonstrates very much how commercial businesses benefit the Township. The negative side of it is the fire department is going to lose a half million dollars once that's fully implemented and that's why the .4 to try to make that difference up.

Pizzino: Any other comments?

Gonzalez: I would just reiterate what Chief said. Last week I listened to the radio when I woke up and there was a story that was running and it was giving the total amount. They were saying the levy was going to cost, two or three hundred dollars or something like that. It was accurate because it was the total amount they would pay although I think what people most care about is, like Chief Heck said, is what the additional is. And the additional amount is nine cents a day, \$33 a year is all we're asking for over and above what you're currently paying. There have been a lot of comments coming in to the Township and I saw someone from Massillon online in your paper Chris. People really are not getting the true understanding of what the additional cost is.

The additional amount is \$33 a year per \$100,000 of evaluation. Like I said, it's about nine cents a day.

ATTACHMENT 2/13/06 H

Pizzino moved and Burger seconded a motion to approve the appropriation transfer request from account code 210.210.5230, Workers' Comp., to account code 210.210.5385, Other Expense, in the amount of \$37,385.78. **3-0 yes**

Highway Department

ATTACHMENT 2/13/06 I

Meeks moved and Burger seconded a motion to approve Budget Module No. 15-A-06, Hills & Dales West Improvement for the amount of \$50,000.00. **3-0 yes**

ATTACHMENT 2/13/06 J

Pizzino moved and Meeks seconded a motion to approve the appropriation transfer request from account code 324.310.5387, Discretionary, to account code 324.316.5711, Hills & Dales West R/W, in the amount of \$50,000.00. **3-0 yes**

ATTACHMENT 2/13/06 K

Meeks moved and Burger seconded a motion to approve Budget Module No. 19-A-06, Strausser / Lutz Intersection Improvement for the amount of \$100,000.00. **3-0 yes**

ATTACHMENT 2/13/06 L

Pizzino moved and Burger seconded a motion to approve the appropriation transfer request from account code 324.310.5387, Discretionary, to account code 324.319.5713, Strausser / Lutz R/W, in the amount of \$100,000.00. **3-0 yes**

ATTACHMENT 2/13/06 M

Budget Module No. 14-A-06, Fulton / Wales Intersection Improvement, for the amount of \$16,250.00 was tabled pending additional information from ODOT.

ATTACHMENT 2/13/06 N

The appropriation transfer request from account code 324.310.5387, Discretionary, to account code 324.313.5711, Fulton / Wales R/W for the amount of \$16,250.00 was tabled pending additional information from ODOT.

ATTACHMENT 2/13/06 O

Meeks moved and Burger seconded a motion to adopt and authorize the placement of the Board President's signature upon the attached Hills and Dales Road Improvement letter. **3-0 yes**

ATTACHMENT 2/13/06 P

Meeks moved and Burger seconded a motion to adopt and authorize the placement of the Board President's signature upon the attached ME Companies Proposal for Portage / Lutz Improvements. **3-0 yes**

ATTACHMENT 2/13/06 Q

Meeks moved and Burger seconded a motion to adopt and authorize the placement of the Board President's signature upon the attached Agreement with the Stark County Soil and Water Conservation District. **3-0 yes**

Mr. Meeks asked Mr. Boger if an answer had been received regarding the problem at Huckleberry Street. Mr. Boger reported he has not received a reply, but the intention is to place a pipe in the corner and widen the road to provide better access.

Legal Department

RESOLUTION 06-009, ATTACHED

Burger moved and Meeks seconded a motion to approve the ORC Section 3929.86 Claims Resolution as herein attached for Fire Loss Cost Recovery. **3-0 yes**

RESOLUTION 06-010, ATTACHED

Pizzino moved and Meeks seconded a motion to adopt and authorize the placement of the Board's signatures upon the attached Jail Agreement with the City of Massillon. **3-0 yes**

Fiscal Officer Gonzalez pointed out that while the General Fund has been covering the cost of booking fees for about the last four years, this cost will now be covered by the Police Department Funds.

Police Department

ATTACHMENT 2/13/06 R

Meeks moved and Burger seconded a motion to approve and sign the attached grievance answer. **3-0 yes**

ATTACHMENT 2/13/06 S

Pizzino moved and Meeks seconded a motion to approve the appropriation transfer request from account code 209.250.5220, Hospitalization, to account code 209.250.5416, Booking Fees, in the amount of \$64,274.00. **3-0 yes**

ATTACHMENT 2/13/06 T

Meeks moved and Pizzino seconded a motion to authorize posting a full-time patrol officer position. **3-0 yes**

Fiscal Office

ATTACHMENT 2/13/06 U

Meeks moved and Burger seconded a motion to pay the bills in the amount of \$664,382.41. **3-0 yes**

ATTACHMENT 2/13/06 V

Meeks moved and Burger seconded a motion to approve the minutes of the January 23 and the January 31, 2006 Board of Trustees meetings. **3-0 yes**

ATTACHMENT 2/13/06 W

Meeks moved and Burger seconded a motion to approve the January financial reports. **3-0 yes**

ATTACHMENT 2/13/06 X

Pizzino moved and Meeks seconded a motion to approve the appropriation transfer request from account codes 101.110.5387, Discretionary, and 214.515.5220, Hospitalization – Programs to account codes 101.110.5220, Hospitalization; 101.115.5220, Hospitalization; 101.150.5220, Hospitalization; 101.150.5952, Transfer to #214 Park; and 214.510.5220, Hospitalization – Operations, in the amount of \$63,847.56. **3-0 yes**

Clerk Gonzalez informed the Board that the tape recording from the Property Tax Meeting held in Columbus is in the process of being transcribed. When it is completed, it will be sent out to the other townships and a date will be worked out to schedule another meeting.

Routine Business

Announcements

- Next regular Board of Trustees meeting, February 27, 2006, 4:00 p.m. Executive Session and/or Work Session, 6:00 p.m., General Session, Township Hall.
- CIC, February 15, 2006, 5:30 p.m., Township Hall.
- LOGIC, March 2, 2006, 9:00 a.m., Safety Center, Chiefs' Conference Room.
- Board of Zoning Appeals:
 - February 9, 2006, 7:00 p.m., Township Hall.
 - February 23, 2006, 7:00 p.m., Township Hall.
 - March 9, 2006, 7:00 p.m., Township Hall.
- Zoning Commission Work Session, February 16, 2006, 5:00 p.m., Township Hall.
- Citizens Advisory Committee:
 - Highway/Traffic, February 15, 2006, 6:30 p.m., Township Hall.
 - Park, February 21, 2006, 6:30 p.m., Township Hall.

- Community Celebration, March 8, 2006, 6:00 p.m., Township Hall.

Old Business

Mr. Meeks reported on meetings held with the Superintendent of Jackson Local Schools to discuss the school's request to take back the park land at Strausser. He recommended that it be done since funds are not currently available to develop that land and it would also be available to the schools in the event of any future expansion. Mr. Fitzgerald is to work with the school system to draw up the needed agreement.

New Business

Meeks moved and Burger seconded a motion to accept donations to the Fire Department in memory of Jonathan Funk:

- \$50.00 from Thomas A. McCoy
- \$25.00 from Dr. Alyce M. Gligor
- \$25.00 from Cindy Griffith
- \$50.00 from Roetzel & Andress
- \$150.00 from the Kenmore Class of '64 Reunion Group
- \$20.00 from Gary and Deborah Kerr
- \$25.00 from Marilyn Lyon
- \$60.00 from John Pizzino, Steven Meeks, Bill Burger, and Randy Gonzalez.

3-0 yes

Meeks moved and Burger seconded a motion to accept a \$50.00 donation to the Fire Department from Lifeline Partners of Canton, Inc.

3-0 yes

Meeks moved and Burger seconded a motion to accept a \$100.00 donation to the Fire Department from Martha Zak.

3-0 yes

Meeks moved and Burger seconded a motion to accept a \$200.00 donation to the Police Department from Belden Village Towing, Inc.

3-0 yes

Public Speaks – Open Forum

John Pavel of 7452 Hills & Dales Rd. N.W., Apt. 7, Massillon and Bethany Yoder of 16217 Greenbauer St., Alliance, representatives from the Board of Health, introduced themselves to the Board.

Paul Biedenbach of 4865 Andette Ave. N.W. asked what the change was for the first Public Speaks segment. Ms. Lyon stated that the change was the deadline for registering for Public Speaks. It has been changed to Thursday at 4:30 p.m. prior to the Board meeting which is consistent with the deadline for Agenda items.

Mr. Biedenbach also asked for an explanation on the fire loss recovery changes. Chief Heck explained that when a building is damaged by fire and there is little likelihood of it being restored and there is insurance coverage, the Township may invoke the right to hold some of the insurance dollars until they are sure the property will be razed. If the property is not razed, the Township may then use that insurance for that purpose. This is new for townships, although cities have been able to do this for some time.

Meeks moved and Burger seconded a motion to hire Crystal Sereno as the park program coordinator, on a part-time basis, not to exceed 28 hours per week, subject to a negative drug screen, at the rate of \$17.00 per hour, effective March 6, 2006. **3-0 yes**

At 7:00 p.m., Pizzino opened the Public Hearing on Amendment #549-05, Parcel 1627189, 27.81 acres, north of Beatty St., south of Fulton Drive, and west of Amherst Ave., NW. Property owners: SRS Group, LLC, 11197 Cleveland Ave., Uniontown, OH 44685. Applicant: Hammontree & Associates, LTD, 5233 Stoneham Rd., North Canton, OH 44720. Joni Poindexter presented the reasons for RPC approval which are:

1. The tract proposed for rezoning is in an area which was fairly rural in character until the last few years, when the township rezoned ten acres to R-3 for multifamily condominiums and 21 acres to R-1 for single-family homes, south of this tract. The single-family condominiums to the north and the majority of the homes on the east side of Amherst were developed under the existing R-R zoning. Approximately 17 acres, southwest of the said tract, were rezoned to R-1 for another 41 homes, in December 2005.
2. The permitted uses in the R-R and R-1 districts are identical; however, the minimum lot size and frontage requirements change from 20,000 sq. ft. to 14,500 sq. ft. and from 100 to 80 ft., respectively. Approximately two units per acre would be permitted in the R-R district, while the R-1 would permit approximately three units per acre. Due to the smaller lot size, the availability of sewer is desirable for an R-1 district.
3. A sketch plan showing approximately 56 lots was included with the proposed zone change. Any proposed subdivision would need to be in compliance with the Stark County Subdivision Regulations.
4. The extension of the proposed R-1 district should not have a detrimental effect on the surrounding developing area.

Barbara Hammontree Bennett with Hammontree Engineers & Surveyors, 5233 Stoneham Rd., North Canton, Ohio, representing SRS Group, LLC, spoke on behalf of the applicant. Skip Rea from SRS Group and Nathan Page with Hammontree & Associates also attended. They are asking for a change from Rural Residential to R-1 Single Family Low Density Residential. Sewer and water is available to accommodate the rezoning. Regional planning and the subdivision engineer will review any drainage improvements. Natural drainage patterns run to

the north with an existing pond that splits Serenity Shores and an existing drainage easement that will tie in with the lake and then to High Mill. Increased traffic on Amherst Avenue could amount to 4%.

Skip Rea, 8230 Lutz Ave., Massillon, Jackson Township, one of the partners of the SRS Group, also spoke requesting the zone change.

Meeks emphasized the Board's concern about drainage and complimented all parties on bringing out the natural elements of the property. He also voiced concerns about traffic impact on a main road.

Pizzino also voiced concern about drainage and traffic and complimented those involved for addressing those issues.

Hammontree is not involved with the development of the property to the north. They are, however, working with them in regards to drainage.

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

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

John Pizzino

Randy Gonzalez