

## RECORD OF PROCEEDINGS

### MINUTES OF JACKSON TOWNSHIP BOARD OF TRUSTEES MEETING

JULY 23, 2007

Meeks called the meeting to order at 5:30 p.m. at the Jackson Township Hall with all Trustees, Fiscal Officer, Lyon, Fitzgerald, Ruwadi, Poindexter and Major Zink for Chief Neftzer present.

#### Work Session

David Ruwadi gave a history of the Skate Park to date.

Steve Studer, 8365 Parkford St. N.W., Massillon, OH 44646 presented the Board with the Skate Park Committee's recommendation of the apparatus to be installed as phase one.

Meeks asked how much has been raised for the Skate Park. Ruwadi said approximately \$1,500.00 has been raised. Meeks then pointed out that the Township has provided the site, the site preparation and has put in the pad. It was hoped the Committee would raise the funds to offset the cost of the apparatus. Meeks said he had hoped to see more of a commitment by the Committee to raise the funds needed.

Pizzino suggested checking with Canton to see if any equipment would be available from a park that was closed at 6<sup>th</sup> St. and Shroyer. Ruwadi is to call to see if any is available.

Studer pointed out that concrete apparatus was recommended for the Skate Park because wood would need to be replaced after several years and is noisier than concrete. The concrete also provides a better warranty.

Pizzino suggested the Committee present to the Board the direction they are going before the money is spent. Whether they can purchase used equipment and if so to compare the used with the concrete.

Ruwadi said he has checked with OPRA which is Ohio Parks and Recreation for any grants and he has checked with the manufacturers for used equipment.

Pizzino asked if everyone uses concrete now and if anyone locally uses concrete. Studer answered not everyone uses concrete. Ruwadi pointed out that concrete is the best way to go because the warranty is better, it's not as easy to move, it's maintenance free, and it's quieter. He said the majority of the kids recommended the concrete.

Meeks moved and Burger seconded a motion to approve up to \$21,945.00 for the purchase of phase one of the Skate Park. **3-0 yes**

At 6:00 p.m., Meeks called the General Session to order with Poindexter, Ruwadi, Chief Heck and Major Zink for Chief Neftzer were present. He asked that all cell phones and pagers be turned off at this time.

The Pledge of Allegiance was recited.

**Public Speaks – None**

### **Police Department**

#### **RESOLUTION 07-076, ATTACHED**

Meeks moved and Pizzino seconded a motion pursuant to ORC Section 505.49 and 509.01, Ty A. Beeching is hereby appointed to the position of full time Patrol Officer and Police Constable for the Jackson Township Police District Department, Stark County, Ohio, effective August 4, 2007 at 0001 at the compensation rate and benefits contained in the Negotiated Agreement and we hereby accept the attached Oath of Office. **3-0 yes**

#### **RESOLUTION 07-077, ATTACHED**

Meeks moved and Pizzino seconded a motion pursuant to ORC Section 505.49 and 509.01, Anthony J. Crookston is hereby appointed to the position of full time Patrol Officer and Police Constable for the Jackson Township Police District Department, Stark County, Ohio, effective August 4, 2007 at 0002 at the compensation rate and benefits contained in the Negotiated Agreement and we hereby accept the attached Oath of Office. **3-0 yes**

#### **RESOLUTION 07-078, ATTACHED**

Meeks moved and Burger seconded a motion pursuant to ORC Section 505.49 and 509.01, Josh A. Escola is hereby appointed to the position of full time Patrol Officer and Police Constable for the Jackson Township Police District Department, Stark County, Ohio, effective August 4, 2007 at 0003 at the compensation rate and benefits contained in the Negotiated Agreement and we hereby accept the attached Oath of Office. **3-0 yes**

Meeks administered the oath of office and called a brief recess to allow for photos.

#### **RESOLUTION 07-079, ATTACHED**

Meeks moved and Pizzino seconded a motion pursuant to ORC Section 505.49, we hereby authorize the compensation of Major David Zink at the rate of one and one half (1.5) times his regular hourly rate for any overtime work approved in advance by the Police Chief. The regular hourly rate shall be Major Zink's annual base salary divided by two thousand eighty (2080) hours. Compensatory time shall continue to be earned at straight time. **3-0 yes**

### **Administration Department**

#### **RESOLUTION 07-080, ATTACHED**

Meeks moved and Pizzino seconded a motion to adopt and authorize the placement of our signatures upon the attached letter to the Stark Development Board Finance Corporation

(SDBFC) approving the RLF loan request of Stark Family Health Center, Inc./Michael Taylor Enterprises, LLC as described in the attached July 2, 2007 letter from SDBFC. **3-0 yes**

Meeks reminded everyone the Revolving Loan Fund has helped many businesses throughout the Township. Lyon pointed out this is the 26<sup>th</sup> company to receive a loan. Pizzino asked how much interest has been paid on the loans. The answer will be researched.

#### **ATTACHMENT 07/23/07 A**

Meeks moved and Pizzino seconded a motion to approve the appropriation transfer request from account code 101.115.5387, Discretionary, to account code 101.115.5385, Other Expense, in the amount of \$265.82, from account code 210.210.5220, Hospitalization, to account code 210.210.5458, Contractual Services, in the amount of \$2,582.28, from account code 101.140.5220, Hospitalization, to account code 101.140.5458, Professional Services, in the amount of \$75.96, from account code 101.150.5220, to account code 101.150.5458, Professional Services, in the amount of \$265.82, from account code 214.510.5387, Discretionary, to account code 214.510.5458, Contractual Services, in the amount of \$265.82, and from account code 204.310.5220, Hospitalization, to account code 204.310.5458, Professional Services, in the amount of \$569.62. **3-0 yes**

#### **Highway Department**

#### **RESOLUTION 07-081, ATTACHED**

Meeks moved and Pizzino seconded a motion that there shall be submitted to the electors of Jackson Township, Stark County, Ohio, at the general election to be held on November 6, 2007 the question of renewing a tax levy outside the ten (10) mill limitation in and for said subdivision in the amount of three (3.0) mills for the purpose of general construction, reconstruction, resurfacing and repair of streets, roads and bridges in Jackson Township, Stark County, Ohio for five (5) years, tax years 2008, 2009, 2010, 2011, and 2012, commencing in 2008, first due in calendar year 2009 and as herein attached. **3-0 yes**

Burger asked if with all the new home construction this amount will be sufficient. Boger said the roads are currently in good shape and the cost of asphalt and gasoline has gone up. He also said the 3 mills was not the effective millage, it is the original millage that was passed in 1977.

Burger asked if the asphalt that is grated from the roads during resurfacing was deducted from the invoiced amount. Boger explained that it was part of the pricing and the Township retained about 200 cubic yards for our use.

Gonzalez said approximately 90% of the levy money was used for new jobs, there was very little used for maintenance from this fund. This money is used for projects like Fulton and Wales. Repaving, salting and maintenance of this type comes from inside millage like the gasoline tax which comes back from the State.

**RESOLUTION 07-082, ATTACHED**

Meeks moved and Pizzino seconded a motion to authorize the attached Advertisement for Bids for the Arlington/Fulton Traffic Signal Project in accordance with the Specifications on file.

**3-0 yes**

**ATTACHMENT 07/23/07 B**

Meeks moved and Pizzino seconded a motion to approve Budget Module No. 22-07-D for Fulton/Wales Intersection Improvement in the amount of \$655,178.00 for utility relocation.

**3-0 yes**

Meeks presented a brief history of the talks with ODOT and Dominion over the last three years. He said the Dominion representatives feel this amount will be more than sufficient and there probably will be money returned. The work will begin in October. He said it was included in the contract that any road closures would be from 6 p.m. to 7 a.m. Monday through Thursday. Part of the cost includes a soil stabilization that must be done, that involves removing all the laterals that come across the roads instead of just abandoning them. The school administration and bus superintendent will be included in the weekly construction meetings.

**ATTACHMENT 07/23/07 C**

Meeks moved and Burger seconded a motion to approve the appropriation transfer request from account code 324.310.5387, Discretionary, to account code 324.313.5712, Fulton/Wales Utility, in the amount of \$655,178.00.

**3-0 yes**

**ATTACHMENT 07/23/07 D**

Pizzino said he received a phone call regarding parking along Skylane. Cars have been parking along both sides of the street and parking too close to the stop sign. Both the Police and Fire Departments have looked into the problem. Chief Heck looked into the problem and agrees that the road is narrow and if cars were parked on both sides of the street it would be difficult to get emergency equipment through. Pizzino said the resident wasn't trying to stop street parking altogether, he suggested that parking be allowed on only one side of the street, possibly the stop sign side of the street.

Heck explained that he sees the issue arising if there are a lot of people visiting or who live in the neighborhood park on the street, it limits the width of the roadway available for driving. He said the average vehicle can get through but an ambulance would not be able to nor would a fire truck.

Boger suggested mailing a notice to the neighbors to see if they can solve their own problem by protecting their own parking. He said it would be easy to put signs up but it might help a couple but hurt the rest of the residents.

Pizzino suggested the Administrator and Boger work on this. Boger will get back to the Board after seeing if the residents can solve the problem on their own and if not then post signs.

## **Legal Department**

### **ATTACHMENT 07/23/07 E**

Meeks moved and Pizzino seconded a motion to table the Letter of Intent for the FedEx Tax Abatement Application Request. **3-0 yes**

## **Zoning & Planning Department**

### **ATTACHMENT 07/23/07 F**

Pizzino moved and Meeks seconded a motion to mail certified to the County Auditor a notice for mowing of noxious weeds at 9353 Beatty Street NW, Lot #4, Andyville Allotment, Parcel No. 16-08623, S.E. Qtr. Section 19, Jackson Township. **3-0 yes**

### **RESOLUTION 07-083, ATTACHED**

Pizzino moved and Meeks seconded a motion that whereas the Jackson Township Board of Trustees, having been informed in writing that noxious weeds are growing on the lands in charge of Darryl G. Autery, Jackson Township, described as follows: Parcel No. 1627827, at 4599 Louise Dr., N.W., Jackson Township.

Therefore, be it resolved that said Darryl G. Autery, whose tax mailing address is 2871 Thackeray Ave., Apt. 1, Massillon, OH 44646, be notified by serving on them by certified mail with return receipt requested, a written copy of this resolution that said noxious weeds are growing on such lands and that, pursuant to ORC Section 5579.05, they must be cut or destroyed within five (5) days after the service of such notice or show this Board cause why there is no need to 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**

### **ATTACHMENT 07/23/07 G**

Poindexter told the Board the history and reason for the zoning variance request. The applicant wanted to change the location of the sign from the rear of the property to the front which met the set back requirements, now the applicant would like a variance to allow the billboard to be 10 feet from the east property line instead of 25 feet. The request will be heard by the BZA on August 9 at 7:00 p.m.

Pizzino said he was not in favor of approving the variance, he did not want anything closer to the Township owned property. He suggested sending a letter to the BZA stating their concerns.

Meeks said he was not in favor of approving the variance either. He agreed that a letter should be sent stating the facts.

Meeks moved and Burger seconded a motion to prepare a sworn affidavit opposing a variance for Smith Outdoor. **3-0 yes**

## **Fiscal Office**

### **ATTACHMENT 07/23/07 H**

Meeks moved and Burger seconded a motion to pay the bills in the amount of \$817,600.02.

**3-0 yes**

### **ATTACHMENT 07/23/07 I**

Meeks moved and Burger seconded a motion to approve the minutes of the July 9, 2007 Board of Trustees meeting.

**3-0 yes**

## **Routine Business**

### **Announcements**

- Next regular Board of Trustees meeting August 13, 2007, 4:00 p.m. Executive Session and/or Work Session, 6:00 p.m., General Session, Township Hall.
- LOGIC, August 2, 2007, 9:00 a.m., Safety Center, Chiefs' Conference Room.
- CIC, August 21, 2007, 5:00 p.m., Township Hall.
- Board of Zoning Appeals:
  - July 26, 2007, 7:00 p.m., Township Hall.
  - August 9, 2007, 7:00 p.m., Township Hall.
- Citizens Advisory Committees
  - Community Celebration, July 30, 2007, 6:00 p.m., Township Hall.
  - Park, August 14, 2007, 6:30 p.m., Township Hall.
  - Highway/Traffic, August 15, 2007, 6:30 p.m., Township Hall.
- Township Administration Building – The front entrance will be closed from August 1 through August 3 for repair of the concrete steps. Signs will direct the public to use the east door.
- Fulton/Wales Intersection Improvement Project Update:
  - Tree removal and utility relocation are underway. There will be tree removal equipment and utility vehicles along Fulton, Wales, and Mudbrook, from now through October (approximate).

- The main construction project will be bid in December with actual construction beginning in Spring 2008. Construction is expected to last about 12 months. One lane of traffic in each direction will be maintained during most of the construction with the exception of one or two-day periods when Wales Road needs to be closed.

### **Old Business**

None

### **New Business**

#### **ATTACHMENT 07/23/07 J**

Kim Griffin, 6588 Culpepper St. NW, Canton, 44708, asked if the Trustees had any questions. She explained the restaurant was a family oriented sports restaurant and bar and they will comply with the 75% food and 25% alcohol provisions in the D5 status. There are 18 community members who have invested in the restaurant which is approximately 1/3 of the investors. They plan to support athletics, the schools and other programs in the community.

Meeks moved and Pizzino seconded a motion not to request a hearing on the liquor permit to Spectators of Canton Inc., dba Spectators, 7192 Fulton Road. **3-0 yes**

#### **ATTACHMENT 07/23/07 K**

Meeks moved and Burger seconded a motion not to request a hearing on the liquor permit to M & B Entertainment LLC dba Munsons Home Plate SportsPub, 5686 Dressler Rd. N.W. **3-0 yes**

Meeks moved and Pizzino seconded a motion to accept a \$50.00 donation to the Fire Department from Edwin & Bette Letscher in memory of Steve Fazekash. **3-0 yes**

Meeks moved and Burger seconded a motion to accept a \$100.00 donation to the Fire Department from Mary & Leonard Haines. **3-0 yes**

### **Fire Department**

#### **RESOLUTION 07-084, ATTACHED**

Meeks moved and Pizzino seconded a motion pursuant to the Fulltime Firefighter hiring policy, the Township's Personnel Hiring Policy and pursuant to ORC Section 505.38, we appoint the attached listed persons to the position of Fulltime Firefighter/Paramedic, conditioned on their successful completion of a medical evaluation as to the condition of the individual as it relates to the performance of the duties of a Fulltime Firefighter/Paramedic, background check, negative drug screen and other testing requirements. **3-0 yes**

**ATTACHMENT 07/23/07 L**

Pizzino moved and Meeks seconded a motion to approve the appropriation transfer request from account code 228.210.5385, Other Expense, to account code 228.210.5452, Billing Service/Collec., in the amount of \$2,565.00. **3-0 yes**

**ATTACHMENT 07/23/07 M**

Pizzino moved and Meeks seconded a motion to approve the appropriation transfer request from account code 210.210.5387, Discretionary & Cont., to account code 210.210.5385, Other Expense, in the amount of \$6,000.00. **3-0 yes**

**Public Speaks – Open Forum**

My name is Gordy Woolbert. I'm a resident residing at 6123 Cherry Blossom Circle. The reason I'm here this evening is because after returning from vacation, I caught up on my newspaper reading and saw an article that both surprised me and to an extent disturbed me regarding the rezoning at the corner of Portage and Frank. The reason I was surprised is because as I understand it there is a sign requirement in Jackson that a sign would be posted at any property when there is a rezoning. And going by that property at least two or three times a day, I'm almost positive there was no such sign there. So I was surprised to hear they got rezoned at all. I was disturbed that a rezoning like this can go that far through the process without that having been discovered. I think your own resolution requirements require such a sign. And they indicate that if one is not posted the application is invalid. I would think that is probably the correct course of action for that rezoning.

Burger: Excuse me, sir. I think you meant Portage and Lutz instead of Frank?

Woolbert: No, I

Pizzino: No, he's talking about

Meeks: On Frank where the Walgreens.

Burger: Oh, the Walgreens. I'm sorry.

Woolbert: And I don't think it's one that probably got a lot of discussion and I think that question shows that and I think is by virtue of the fact that not many people were aware of it and it was reported by the Repository that in an unusual occurrence no land owners or residents near the parcels objected the company's plan. Well, it's no surprise because there was no sign. Very few people read the legals that often every day. I'm an attorney and I don't read the legals every day and things can slip past if the precautions that you gentlemen have already recommended aren't taken, namely that a sign be put up five days within the application period. One of the things that disturbs me about that isn't only on this particular parcel that they got through but that we seem to be slipping on the signage requirement. I'm aware of at least one other instance where that has also occurred. Now the application was withdrawn in that instance but I think I don't know who's tasked with that but it needs to be done on a regular basis. And I come with a suggestion that not only do we police that but also that we put these things on the website. You

guys have a great website, this Township has a great website, I don't see any reason why notices couldn't be put in a separate section on the website.

Meeks: That's a very good point.

Woolbert: So those are my concerns with regards to this particular property. I do think your counsel will advise you accordingly but I think you voted on an invalid application from the start and that process really ought to be gone back through. It might turn out the same way, my suspicion though is that with disclosure you'll have a lot more debate. Just one last item that disturbed me regarding it, I don't know if this was considered here, this is my first Trustee meeting, is the fact that Regional Planning recommended against this. I have been to several Regional Planning Commissions in association with other things, zoning meetings and association with other things and we do pay these professionals for a reason. I don't know the thinking might have been very critical, it might have been very much in agreement, but I want to make sure that these things are being considered by especially this group, the Trustees, the Regional Planning recommendations are being looked at carefully. They're good people over there. Thank you.

Meeks: Thank you. Marilyn, that issue was, it may have been because of the inquiry. Joni was that not checked on if the signage was in place?

Poindexter: Unfortunately, no we have never gone out and checked on those, we've always, I guess, just took it that they did put them up. I did, though, decide that since this has come up and that does need to be verified that in fact we just received an application for a rezoning and I didn't even officially accept it until they had that sign in place. When they notified me that the sign was there, I went out, took a picture of it, stuck the picture in the file and so now we will have that proof as to if a sign is or is not where it's supposed to be.

Meeks: It's very important, concerns have been brought up. One that, you know, it is under our own resolution that signage is to be placed and placed by the applicant, is that not correct?

Poindexter: Correct.

Meeks: And the applicant needs to show us proof that the signage is in place.

Poindexter: Well, I've never seen that proof, there's never been anything in the file since I've been here or since that was enacted that showed that that was there. And I think that was negligence on our part, I do think we should have gone out and verified that every time there was a rezone that the sign was there. Unfortunately, you learn from the mistakes that are made and I did speak to Mike Gruber, I got in contact with him to ask him if he could verify if that sign was or was not there. He said that he was contacting the realty company and they were to get back with him and I asked if he could provide us with a photo of the sign or something that says they did have that sign. He has not gotten back with me on that.

Meeks: Our Zoning Commission, do you recall them asking for verification or anything as far as signage goes before they heard.

Poindexter: No, I do not recall that.

Meeks: All right, Neal based on what our own resolution states and if proof cannot be given that the sign was or was not there.

Fitzgerald: If that's the case, I'll have to render a legal opinion on it.

Meeks: Well, then, look into that.

Fitzgerald: Under all the facts. Yes.

Meeks: You bring up a very, very valid point. If something was not done to its fullest what is the sense in us having rules and regulations if we do not follow them ourselves. Two wrongs don't make a right. And in this case it was a concern that we did not have more people of concern or approval other than those vested within. But my concern now is that we have to make sure we proceed down the right path and if we are in violation or they're in violation then we need to take action.

Fitzgerald: I'll have to render an opinion.

Pizzino: It's a policy, it's our own Township policy, it's not an Ohio Revised Code policy so you'd have to make a determination but we had people here, other people that were not really affected, I shouldn't say affected, but owned property there that spoke in favor of that.

Meeks: I understand.

Pizzino: But

Poindexter: And it is posted on the website, just for information, it is on the website.

Pizzino: It is posted on the website?

Meeks: Here it is, okay, if it came before us, it came before the Commission, the Commission made a recommendation for approval, it did come before us, yes there was a lot of discussion, a lot of concerns brought up. We had a lot of positive testimony from the residents, obviously they're selling their property, residents that lived on Portage close to. You know, if things weren't done correctly or this sign was overlooked and not in place, what would be the harm in the applicant if they truly believe in their project to redo it.

Pizzino: That's a legal question.

Meeks: I understand that but that's my question to you, Neal, because I'll tell you what, you know, shame on us but you have to look at the positives and the negatives and the positive that we see here is that we need to have a better check and balance on everything that we do. Don't take anything for granted or assume an applicant is doing what we require them to do. And if

this makes this null and void and they have to start over, then, Neal, we have to know. Because I think they only have 30 days.

Pizzino: That's my concern. If you feel that there's a problem here, Neal.

Fitzgerald: I'll have to render a legal opinion on that. That's what it asked for.

Pizzino: But what Mr. Meeks is saying I think the clock is running. And I think we only have 30 days to

Meeks: What I'm saying is we need that opinion and we need you to be sure that opinion, obviously, and you would be, but time is of the essence. We cannot drag our feet on this.

Pizzino: And if we have to call a special meeting, we'll call a special meeting to discuss it.

Meeks: Okay?

Fitzgerald: Yes.

Gonzalez: And please, Felicia, I'm speaking as a Township resident here under public speaks. Last time it looked I was trying to counteract the Board and I would never do that. I live very close to this area. I couldn't agree with this gentleman more. I've driven that way every day and never saw the sign. Technically, there should have been three signs. Its three houses they're trying to tear down and rebuild. There was never any sign. I have been contacted by the corner lot. They're certainly unhappy with the way this whole thing was handled, that they're building around them now. And almost trying to put the muscle on them, just say we don't need you, we're going to go around you. And I believe wholeheartedly I am the Fiscal Officer and I didn't know that was on the agenda that night. Shame on me, like Mr. Meeks said. I'll guarantee you this room would have had a lot of people in it from my allotment and then tonight one of the police officers that was sworn in, his grandmother lives in the condos right behind that and she said we would have come in here in full force if we would have known. So I really do believe that if that was advertised this room would be full with people complaining about that and in fairness to the Trustees there were three people in this room saying they needed it done and it was three elderly people that were selling their homes, of course they were in favor of it. I mean, I feel terrible saying hey you're stuck there forever but quite frankly the lot right across the street is for sale too and it's already commercial and it's on Frank Road. I thank you for bringing that up again.

Meeks: Would anyone else like to address the Board? I take that as a yes, Paul?

Paul Biedenbach, 4865 Andette Ave., N.W. I just wanted to bring up a point about something that was considered earlier. I think there should be a little more consideration given to Spectators of Canton since it's near the site of our high school and being it's a business that serves alcohol and there is the possibility for students to be there. I know years ago we looked very closely at putting a drive thru in that area and I just think there might be a little more consideration needed because of the location of that business. Thank you.

At 6:30 p.m., Chief Heck opened the bid for hydraulic cots.

The bid received was from Stryker Sales Corp., 3800 East Central Ave., Portage, Michigan for \$49,350.00 with an optional price for IV poles, \$1,175.00, oxygen holders \$900.00 equipment hooks \$200.00, backrest storage pouch \$875.00, and 5 head in storage mats \$475.00 with a trade in of \$595.00 per cot.

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

Meeks called the meeting back to order.

**RESOLUTION 07-085, ATTACHED**

Meeks moved and Burger seconded a motion that Stryker Sales Corporation is the lowest and best bidder for the Hydraulic Cots and hereby award a Contract to them in the amount of \$51,190.00 which includes all alternates and the trade in of 3 cots in accordance with the Company's proposal and the Specifications and authorize the placement of the Board's signatures on the Contract. **3-0 yes**

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

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**Steven Meeks**

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**Randy Gonzalez**