

RECORD OF PROCEEDINGS

MINUTES OF JACKSON TOWNSHIP BOARD OF TRUSTEES MEETING

JULY 23, 2015

Walters called the meeting to order at 6:40 p.m., at the Jackson Township Hall with all Trustees, Lyon, Vaccaro, Hogue, Bissler, Boger and Poindexter, who filled in for the Fiscal Officer, present. He requested that all cell phones be turned off at this time.

The Pledge of Allegiance was recited.

Public Speaks - None

ATTACHMENT 07/23/15 A

6:30 p.m. Public Hearing Continued on Zoning Amendment 620-15.

Don DeVille, DeVille Enterprises, 4811 Whipple NW, Ste. 101, Canton, OH agent for Willmary Investments LTD, 1004 Overdale NW, Canton, OH and Joseph & Patty Mahoney, 3500 Brunnerdale NW, Canton, OH, property owners, propose to rezone from R-R Rural Residential District to R-3 Planned Unit Development District approx. 19.96 acres of parcel 1607196, and to R-4 Multi-Family Residential District approx. 17.25 acres of parcel 1607196, 0.60 acre of parcel 1601352 & 0.71 acre of parcel 1601354 and located at the southeast corner of Hills Dales and Brunnerdale.

Pizzino thanked everyone for being part of the process. He said they have heard a lot of testimony. He said there was some testimony that he questioned so he did some research on it. He thanked Mr. DeVille for what he is trying to do for the community. He said the most recent plan was approved by Regional Planning and the Zoning Commission. He said that one fact that really bothered him was the statement made about the occupancy of apartments. He said he looked into the occupancy of the three largest apartment complexes in that area and found that the occupancy was 90% at the Fairways, Saxon apartments has 93%, and Brookshire apartments have 93%. He said that tells him there is a need in the area. He said he spoke to the County Engineer and they talked about the drainage and the intersection. He said he found that the intersection at Hills & Dales and Brunnerdale is “not even on the map.” Pizzino said it is a good plan and a workable plan but, he said, he voted against it last time because of the buffer zone. He said that this plan has addressed that. He said he still has a concern about not having a PUD in this area because once the zoning has been changed, plans can be changed to whatever that zoning allows.

Hawke said he also has questions from the last meeting that he has gotten answered and that he spoke to a lot of the same people as Mr. Pizzino. He said he spoke to the fire chief about the fire department in that area and found that there is no problem there. He said that the Board of Trustees does not have any influence or control of the Board of Zoning Appeals. He said he reviewed some of the maps that were referred to at the last meeting. He said that on the future land use map it shows that segment of property is not rural residential, it is marked in the comments as residential.

Walters pointed out that traffic seemed to be a major concern so he got some numbers on that intersection.

Hawke asked Mr. DeVille if he would be willing to amend his application on the R-4 segment to R-4 PUD?

Mr. Deville asked if he could have a minute to discuss it with his council.

Walters called a five minute recess.

Upon return from recess at 7:05 p.m., Walters called the meeting back to order.

Mike Gruber, 6370 Mt. Pleasant, said he hasn't had a chance to discuss this with Mr. Vaccaro what is meant by 'at this point in the process' to submit an amendment to R-4 PUD. He said he has some concerns that it would open it up to challenge without starting the whole process completely over under the PUD regulations. He said he didn't think that was fair to ask Mr. DeVille to do that. He said Mr. DeVille is willing to comply with the R-4 PUD regulations but he will have to submit and take it through the Board of Zoning Appeals, and to make sure the site plan complies with the updated PUD regulations and even submit it to the Board.

Mr. DeVille said he has no problem with submitting a site plan based on the new regulations as long as that doesn't put him through the whole process again. He said if the Trustees have the authority to review the site plan prior to the BZA hearing that would be fine with him.

Mr. Vaccaro said he would have to start the amendment petition and make it applicable to the PUD-4 as it exists as of today. He said Mr. DeVille would have to follow that process and that Mr. Gruber is saying that it may be an unfair burden on Mr. DeVille.

Mr. DeVille said that the main difference is the ability of the Township Trustees to review the site plan. He asked if the Board did not have the authority to change that; the Board has the authority to review it but under the prior regulations if it did not comply with the R-4 current PUD regulations then the Trustees have no authority to hold him to that. He asked if the Trustees have the authority, if he submits a site plan under the current R-4 PUD regulations, that meets those regulations, and it goes before the Trustees first for review, the Board of Zoning Appeals knows and understands that, and they review it under that premise then what step is he missing or what is not being accomplished. He said what he is hearing that the Trustees want is a public venue to vet the site plan with the authority of the Trustees to review it.

Hawke said that the issue goes back to the possibility that if the property would get sold to someone else, they could put anything on that property that the zoning usage allows. He said the concern is the number of units.

There was some additional discussion regarding what would be allowed under different zoning classifications and what the Trustees' role is and what they can do.

Someone said he understood that the hearing was closed as far as hearing testimony but wanted to know if the Trustees could open the hearing back up for the purpose of submitting the site plan before the vote.

Vaccaro recommended to the Board that if they wanted to take more evidence they should set a continuance date and get the notice out for that.

Walters called a short recess.

Upon return from recess, Walters called the meeting back to order.

Vaccaro asked if Mr. Gruber would go to the podium so his comments would be on the record.

Vaccaro: As I understand your client's position right now, we present the option of potentially amending and going under the new PUD 4. I'm interpreting your comments to say that you worry about legal issues and there is a fairness issue to that. Is that a correct interpretation?

Mr. Gruber: Yes, resubmitting or amending it to R-4 PUD means that the complete process under R-4 PUD has to be complied with. That means to me, you're saying you're not going to vote tonight because it has to go back to Regional Planning, back to the Zoning Commission,

Vaccaro: Correct.

Mr. Gruber: It starts the process completely over.

Vaccaro: Right. Because we can't skip those folks.

Mr. Gruber: Yes. That's what he's not willing to do. To start the whole process over.

Vaccaro: So with that said and we're going on your application with the code that was in existence at the time it was filed.

Walters moved and Hawke seconded a motion to adopt the recommendation of the Zoning Commission.

Hawk	no
Walters	yes
Pizzino	no

Fire Department

RESOLUTION 15-038, ATTACHED

RESOLUTION ON SUBMISSION OF QUESTION OF THE RENEWAL OF AN EXISTING TAX OF SIX (6) MILLS AND INCREASE OF ONE AND ONE HALF (1.5) MILLS TO CONSTITUTE A TAX OF SEVEN AND ONE HALF (7.5) MILLS PURSUANT TO OHIO REVISED CODE SECTIONS 5705.19(I), 5705.191 AND 5705.25 FOR THE PURPOSE OF PROVIDING AND MAINTAINING FIRE APPARATUS, APPLIANCES, BUILDINGS, OR SITES THEREFOR, OR SOURCES OF WATER

SUPPLY AND MATERIALS THEREFOR, OR THE ESTABLISHMENT AND MAINTENANCE OF LINES OF FIRE ALARM TELEGRAPH, OR THE PAYMENT OF FIREFIGHTING COMPANIES OR PERMANENT, PART-TIME, OR VOLUNTEER FIREFIGHTING, EMERGENCY MEDICAL SERVICE, ADMINISTRATIVE, OR COMMUNICATIONS PERSONNEL TO OPERATE THE SAME, INCLUDING THE PAYMENT OF ANY EMPLOYER CONTRIBUTIONS REQUIRED FOR SUCH PERSONNEL UNDER SECTION 145.48 OR 742.34 OF THE REVISED CODE, OR THE PURCHASE OF AMBULANCE EQUIPMENT, OR THE PROVISION OF AMBULANCE, PARAMEDIC, OR OTHER EMERGENCY MEDICAL SERVICES OPERATED BY A FIRE DEPARTMENT OR FIREFIGHTING COMPANY FOR JACKSON TOWNSHIP, STARK COUNTY, OHIO FOR FIVE (5) YEARS, TAX YEARS 2015, 2016, 2017, 2018, AND 2019, COMMENCING IN 2015, FIRST DUE IN CALENDAR YEAR 2016.

Hawke moved and Pizzino seconded a motion whereas, upon due investigation and consideration, the Board of Trustees of Jackson Township has determined that the amount of taxes which may be raised within the ten (10) mill limitation in and for said Jackson Township, Stark County, Ohio, for the next five (5) years will be insufficient to provide an adequate amount for the necessary requirements for said Jackson Township, Stark County, Ohio for the purpose of providing and maintaining fire apparatus, appliances, buildings or sites therefor, or sources of water supply and materials therefor, or the establishment and maintenance of lines of fire alarm telegraph, or the payment of firefighting companies or permanent, part-time, or volunteer firefighting, emergency medical service, administrative, or communications personnel to operate the same, including the payment of any employer contributions required for such personnel under section 145.48 or 742.34 of the Revised Code, or the purchase of ambulance equipment, or the provision of ambulance, paramedic, or other emergency medical service operated by a fire department or firefighting company for Jackson Township, Stark County, Ohio; and

Whereas, by reason thereof, this board has determined that it will be necessary for the renewal of an existing tax of six (6) mills and increase of one and one half (1.5) mills to constitute a tax of seven and one half (7.5) mills, which is in excess of such limitation, for the purpose of providing and maintaining fire apparatus, appliances, buildings, or sites therefor, or sources of water supply and materials therefor, or the establishment and maintenance of lines of fire alarm telegraph, or the payment of firefighting companies or permanent, part-time, or volunteer firefighting, emergency medical service, administrative, or communications personnel to operate the same, including the payment of any employer contributions required for such personnel under section 145.48 or 742.34 of the Revised Code, or the purchase of ambulance equipment, or the provision of ambulance, paramedic, or other emergency medical service operated by a fire department or firefighting company for Jackson Township, Stark County, Ohio; and

Whereas, pursuant to the requirements of Ohio Revised Code Section 5705.03(B), this Board as taxing authority for the Jackson Township, Stark County, Ohio, certified to the Stark County Auditor, on the 15th day of July, 2015, a resolution requesting that the Stark County Auditor certify to this Board as taxing authority for the Jackson Township, Stark County, Ohio, the total current tax valuation of the Jackson Township as a subdivision, and the dollar amount of revenue that would be generated by the renewal of an existing tax of six (6) mills and increase of one and

one half (1.5) mills to constitute a tax of seven and one half (7.5) mills, which resolution stated that the purpose of said tax was for the purpose of providing and maintaining fire apparatus, appliances, buildings, or sites therefor, or sources of water supply and materials therefor, or the establishment and maintenance of lines of fire alarm telegraph, or the payment of firefighting companies or permanent, part-time, or volunteer firefighting, emergency medical service, administrative, or communications personnel to operate the same, including the payment of any employer contributions required for such personnel under section 145.48 or 742.34 of the Revised Code, or the purchase of ambulance equipment, or the provision of ambulance, paramedic, or other emergency medical service operated by a fire department or firefighting company for Jackson Township, Stark County, Ohio for five (5) years, tax years 2015, 2016, 2017, 2018, and 2019, commencing in 2015, first due in calendar year 2016. Ohio Revised Code Sections 5705.19(I), 5705.19I and 5705.25 authorizes submission of the question of the tax.

Whereas, the Stark County Auditor based upon said certification request advised this Board, pursuant to the provisions of Ohio Revised Code Section 5705.03(B), on or about the 15th day of July, 2015 as provided for in said section, that the total current tax valuation of the subdivision was \$1,280,525,460.00 and that the dollar amount of revenue that would be generated by a specified number of mills, to wit, a renewal of six (6) mills and increase of one and one half (1.5) mills to constitute a tax of seven and one half (7.5) mills be \$9,556,275.00 for the above stated purposes; and

Whereas, by reason of facts above set forth, this Board has determined that is should, and hereby does, declare itself to submit to the electors of Jackson Township, Stark County, Ohio, at the general election to be held on November 3, 2015, the question of the renewal of an existing tax of six (6) mills and increase of one and one half (1.5) mills to constitute a tax of seven and one half (7.5) mills outside the ten (10) mill limitation for the purpose of providing and maintaining fire apparatus, appliances, buildings, or sites therefor, or sources of water supply and materials therefor, or the establishment and maintenance of lines of fire alarm telegraph, or the payment of firefighting companies or permanent, part-time, or volunteer firefighting, emergency medical service, administrative, or communications personnel to operate the same, including the payment of any employer contributions required for such personnel under section 145.48 or 742.34 of the Revised Code, or the purchase of ambulance equipment, or the provision of ambulance, paramedic, or other emergency medical service operated by a fire department or firefighting company for Jackson Township, Stark County, Ohio for five (5) years, tax years 2015, 2016, 2017, 2018, and 2019, commencing in 2015, first due in calendar year 2016.

Be it resolved that there shall be submitted to the electors of Jackson Township, Stark County, Ohio, at the general election to be held on November 3, 2015, the question of the renewal and increase of an existing tax outside the ten (10) mill limitation in and for said subdivision for the purpose of providing and maintaining fire apparatus, appliances, buildings, or sites therefor, or sources of water supply and materials therefor, or the establishment and maintenance of lines of fire alarm telegraph, or the payment of firefighting companies or permanent, part-time, or volunteer firefighting, emergency medical service, administrative, or communications personnel to operate the same, including the payment of any employer contributions required for such personnel under section 145.48 or 742.34 of the Revised Code, or the purchase of ambulance equipment, or the provision of ambulance, paramedic, or other emergency medical service

operated by a fire department or firefighting company for Jackson Township, Stark County, Ohio for five (5) years, tax years 2015, 2016, 2017, 2018, and 2019, commencing in 2015, first due in calendar year 2016.

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(I), 5705.191 and 5705.25 and other related sections of the Ohio Revised Code and in accordance with the statutes in such cases made and provide; and that the levy is to be placed on the tax lists of tax years 2015, 2016, 2017, 2018, and 2019, commencing in 2015, first due in calendar year 2016.

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

PROPOSED TAX LEVY (RENEWAL AND INCREASE)
JACKSON TOWNSHIP

A Majority Affirmative Vote is Necessary for Passage

“A renewal of six (6) mills and increase of one and one half (1.5) mill to constitute a tax for the benefit of Jackson Township Fire Department, for the purpose of providing and maintaining fire apparatus, appliances, buildings, or sites therefor, or sources of water supply and materials therefor, or the establishment and maintenance of lines of fire alarm telegraph, or the payment of firefighting companies or permanent, part-time, or volunteer firefighting, emergency medical service, administrative, or communications personnel to operate the same, including the payment of any employer contributions required for such personnel under section 145.48 or 742.34 of the Revised Code, or the purchase of ambulance equipment, or the provision of ambulance, paramedic, or other emergency medical service operated by a fire department or firefighting company at a rate not exceeding seven and one half (7.5) mills for each one dollar of valuation, which amounts to seventy five cents (\$0.75) for each one hundred dollars of valuation, for five (5) years, commencing in 2015, first due in calendar year 2016.

: : 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 forth with the certification hereof to the Board of Elections of Stark County, Ohio pursuant to the provisions of Sections 5705.19(I), 5705.191 and 5705.25 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.

Walters	no
Pizzino	yes
Hawk	yes

Walters said it wasn't the right time to ask the public for more money. He said it isn't needed this year or next year and the department is going to ask for more tax money when it isn't possible to project the costs of the department because there is no labor agreement yet.

Hawke said that for him it comes down to the equipment needed and staffing. He said it is becoming more frequent for all the stations to be out on calls at the same time and we have to depend on mutual aid from neighboring communities.

Pizzino said he understands Mr. Walters' reluctance but the labor contract issues could be monetary but are probably non-monetary. He said his concern is if they wait until next year they would have to ask for a lot more. He said it is better to make sure that the residents of Jackson Township are ensured that they are responsible and are very concerned about their safety. He said government is about service and that's what we supply and you can't have service without the income. He said it was up to the Trustees to put it on the ballot and up to the voters to decide what kind of service they will get.

Hogue said that the Board asked him a year ago to keep track of how many times all five stations were out. He said that since July 2014, 82 times all five fire stations were out and there was no coverage for the Township other than mutual aid. He said in November 2014 there were ten incidents and March 2015 it happened eleven times. He pointed out that the neighboring communities are just as busy.

Legal Department

ATTACHMENT 07/23/15 B

Walters moved and Pizzino seconded a motion not to request a hearing on the liquor license to Central Florida Restaurants Inc. dba TGI Fridays, 4635 Dressler Rd. N.W. & Patio, Canton, Ohio 44718. **3-0 yes**

ATTACHMENT 07/23/15 C

Walters moved and Hawke seconded a motion not to request a hearing on the liquor license to Sylvester & Sylvester Inc. dba Sylvesters North End Grille & Patio, 4305 Portage St. N.W., North Canton, Ohio 44720. **3-0 yes**

Police Department

ATTACHMENT 07/23/15 D

Walters moved and Hawke seconded a motion to approve the Negotiated Agreement between the Jackson Township Board of Trustees and the Fraternal Order of Police – Patrol Officers,

effective January 1, 2015 through December 31, 2017, and to authorize the Board of Trustees to sign said agreement. **3-0 yes**

Public Works Department

Highway Division

RESOLUTION 15-039, ATTACHED 2015 PAINT STRIPING OF ROADWAYS PROJECT

Walters moved and Hawke seconded a motion that we hereby determine that A&A Safety, Inc. is the lowest and best bidder for the 2015 Paint Striping of Roadways Project in the amount of \$49,218.30 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**

RESOLUTION 15-040, ATTACHED AGREEMENT WITH STARK COUNTY COMMISSIONERS FOR FULTON ROAD DITCH – HILLS AND DALES SEWER PROJECT

Walters moved and Hawke seconded a motion that we adopt and authorize the placement of the Board of Trustees' signatures on the attached agreement with the Stark County Commissioners for the Fulton Road Ditch – Hills and Dales Sewer Project. **3-0 yes**

Park Division

ATTACHMENT 07/23/15 E

Walters moved and Hawke seconded a motion to accept a donation of a Cleveland Pear Tree from the James Stalder Family in memory of Cheryl Ann Scott. **3-0 yes**

ATTACHMENT 07/23/15 F

Walters moved and Hawke seconded a motion to approve the appropriation transfer request from account code 214.515.5110, Seasonal Wages, to account code 214.515.5459, Special Events, in the amount of \$2,500.00. **3-0 yes**

Fiscal Office

ATTACHMENT 07/23/15 G

Walters moved and Hawke seconded a motion to pay the bills in the amount of \$75,056.73. **3-0 yes**

ATTACHMENT 07/23/15 H

Walters moved and Hawke seconded a motion to approve the minutes of the July 14, 2015 Board of Trustees' meeting. **3-0 yes**

ATTACHMENT 07/24/15 I

Walters moved and Hawke seconded a motion to rescind the appropriation transfer request from account code 329.110.5752, General Fund, to account code 315.250.5652, Police Equipment, in the amount of \$167,500.00, from account code 234.000.4590, DOJ, to account code

315.250.5652, Police Equipment, in the amount of \$140,000.00, and from account code 315.000.4990, Police Capital, to account code 315.250.5652, Police Equipment, in the amount of \$27,600.00. **3-0 yes**

ATTACHMENT 07/24/15 J

Walters moved and Hawke seconded a motion to approve the appropriation transfer request from account code 329.110.5752, General Capital – property purchase, to account code 329.250.5652, General Capital – Police Equipment, in the amount of \$167,500.00. **3-0 yes**

ATTACHMENT 07/24/15 K

Walters moved and Hawke seconded a motion to approve the Supplemental Appropriations for Fund 234, Fed DOJ Equitable Share, in the amount of \$118,764.40 and Fund 315, Police-Capital Projects, in the amount of \$100,000.00. **3-0 yes**

Routine Business

Announcements

- Next regular Board of Trustees’ meeting, August 11, 2015, 4:00 p.m., Executive Session and/or Work Session; 5:00 p.m., General Session, Township Hall.
- LOGIC, August 6, 2015, 9:00 a.m., Jackson Safety Center, Chiefs’ Conference Room.
- CIC, August 20, 2015, 8:00 a.m., Township Hall.
- CIC Work Session, July 27, 2015, 3:30 p.m., Township Hall.
- Zoning Board of Zoning Appeals, August 13, 2015, 5:30 p.m., Township Hall.
- Jackson Township Recycling Station Board, August 26, 2015, 11:00 a.m., Buehler’s Community Room.
- Friends of the Park, October 14, 2015, 7:00 p.m., Township Hall.
- Citizens Advisory Committees:
 - Park, October 14, 2015, 6:30 p.m., Township Hall.
 - Community Celebration, September 9, 2015, 5:30 p.m., Township Hall.
 - Highway/Traffic, November 18, 2015, 6:30 p.m., Township Hall.
- Farmers Market, weekly on Thursdays through October 1, 3:00 – 6:30 p.m., Jackson North Park.

- Pro-Football Hall of Fame Enshrinement Festival Balloon Classic and Jackson-Belden Music Fest and Fireworks – Friday, July 31, and Saturday, August 1, 4:30 – 11:30 p.m., Kent State Stark Campus, 6000 Frank Avenue NW, Jackson Township.
- Police Department National Night Out, Tuesday, August 4, 2015, 5:00 – 8:00 p.m., Target Plaza on Dressler Road.
- Movie in the Park and Jazz Concert – Enjoy free entertainment on Friday, August 21, 2015. “The Jazz Workshop” Concert begins at 6:30 p.m. and the Disney Movie “Big Hero 6” will be shown at 8:30 p.m., in Jackson North Park on Fulton Drive across from Jackson High School.

Old Business – None

New Business – None

Public Speaks – Open Forum

No one came forward.

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

Walters moved and Hawke seconded a motion to go into Executive Session to prepare for and review negotiations or bargaining sessions with public employees concerning their compensation or other terms and conditions of their employment. **3-0 yes**

Upon return from Executive Session at 9:27 p.m., Walters moved and Hawke seconded a motion to adjourn. **3-0 yes**

James Walters

Randy Gonzalez