

## RECORD OF PROCEEDINGS

### MINUTES OF JACKSON TOWNSHIP BOARD OF TRUSTEES MEETING

JULY 28, 2008

Pizzino called the meeting to order at 5:00 p.m. at the Jackson Township Hall with all Trustees, Fiscal Officer, Lyon, Fitzgerald and Boger present.

#### Work Session

#### Highway Department

##### ATTACHMENT 08/28/08 A

Boger explained to the Board that Fulton Road is now to remain a state highway and Mike Rehfus has recognized a funding opportunity with the Transportation Improvement District for the Fulton Road widening from Brunnerdale to Foxboro. Boger pointed out the draft letter Mr. Rehfus included requesting the T.I.D. to pay for all the project management and to split the design fees with the township and that T.I.D. apply for 80% SCATS funding for right-of-way and construction costs. The township would pick up an estimated \$1,165,000.00.

Pizzino moved and Burger seconded a motion to send a letter to the Stark County Transportation Improvement District requesting assistance to complete the widening of Fulton Road between Brunnerdale Avenue and Foxboro Avenue. **3-0 yes**

Pizzino moved and Burger seconded a motion to go into Executive Session for Police Department Personnel (Appointment/Employment/Compensation/Promotion) – Interview police aide applicants. **3-0 yes**

At 6:00 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

#### Police Department

##### ATTACHMENT 07/28/08 B

Walters moved and Burger seconded a motion to accept the resignation of full-time police patrol officer and police constable, David Macaluso, effective August 15, 2008 at 2400 hours. **3-0 yes**

##### RESOLUTION 08-064, ATTACHED

Walters moved and Burger seconded a motion pursuant to ORC Section 505.49 and 509.01, David F. Macaluso is hereby appointed as Part Time Patrol Officer and Township Constable for

the Jackson Township Police District, Stark County, Ohio, effective at 0001 on August 16, 2008, at the established compensation rate and we hereby accept the attached Oath of Office. **3-0 yes**

**RESOLUTION 08-065, ATTACHED**

Walters moved and Burger seconded a motion pursuant to Article 36 of the Patrol Officer's Negotiated Agreement, we hereby establish the attached eligibility list for promotion to Sergeant. **3-0 yes**

**ATTACHMENT 07/28/08 C**

Walters moved and Burger seconded a motion to hire Christine Kisgeropoulos, Alisa A. Barkan, and Ingrid Fout as part-time Police Aides, through the temporary service, at the rate of \$8.25 per hour, effective July 29, 2008. **3-0 yes**

Chief Neftzer told the Board about Crime Prevention Week and what is called National Night Out which is Tuesday, August 5 from 5:00 p.m. to 9:00 p.m. The Police Department is going to be doing a Crime Prevention Initiative at the gazebo in North Park. They have partnered up with the Jackson Belden Chamber of Commerce, Target, and the Safe Kids Identification Program. They will be fingerprinting kids, and sharing crime prevention tips. There will also be face painting and food.

**Administration Department**

**RESOLUTION 08-066, ATTACHED**

Pizzino moved and Burger seconded a motion to renew the attached lease with the Jackson Township Recycling Station, Inc. for a one-year term expiring August 31, 2009. **3-0 yes**

**ATTACHMENT 07/28/08 D**

Walters moved and Burger seconded a motion to approve Certificates of Appreciation for the 2008 Jackson Community Celebration Committee members, volunteers, Township departments, and the Jackson-Belden Chamber of Commerce, and to authorize the Trustees and Fiscal Officer to sign the certificates. **3-0 yes**

**ATTACHMENT 07/28/08 E**

Pizzino moved and Walters seconded a motion to approve and authorize the Board's signatures on the attached letter and Certificate for Eagle Scout John Wright. **3-0 yes**

**Fire Department**

**RESOLUTION 08-096, ATTACHED**

Walters 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 three years will be insufficient to provide an adequate amount for the necessary requirement 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 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; 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, 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 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; and

Whereas, pursuant to the requirements of Ohio Revised Code Section 5705.03(B), this Board as taxing authority for Jackson Township, Stark County, Ohio, is required to certify to the Stark County Auditor a resolution requesting that the Stark County Auditor certify to this Board as taxing authority for Jackson Township, Stark County, Ohio, the total current tax valuation of Jackson Township as a subdivision, and the dollar amount of revenue that would be generated by a specified number of mills. In addition, this Board as taxing authority of said Township is required to state the purpose of the tax, whether the tax is an additional levy or a renewal or a replacement of an existing tax and the section of the Ohio Revised Code authorizing submission of the question of the tax to the Stark County Board of Elections for determination as provided by law.

Be it resolved that the Board of Trustees of Jackson Township, Stark County, Ohio, as taxing authority for Jackson Township, Stark County, Ohio, does hereby determine that it is necessary for the renewal of an existing tax of six (6) 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 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 2009, 2010 and 2011, commencing in 2009, first due in calendar year 2010.

Be it further resolved that the Board of Trustees of Jackson Township, Stark County, Ohio, as taxing authority for Jackson Township, Stark County, Ohio, pursuant to the requirements of Ohio Revised Code Section 5705.03(B), does hereby certify to the Stark County Auditor this resolution requesting that the Stark County Auditor certify to this taxing authority, the total current tax valuation of Jackson Township as a subdivision, and the dollar amount of revenue that would be generated by the renewal an existing tax of six (6) mills 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 permanent, part-time, or volunteer firefighters or firefighting companies to operate the same, including the payment of the firefighters employers' 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 2009, 2010 and 2011, commencing in 2009, first due in calendar year 2010. Ohio Revised Code Sections 5705.19(I), 5705.191 and 5705.25 authorizes submission of the question of the tax at the November 4, 2008 general election.

Be it further resolved that the Fiscal Officer of this board be, and hereby is, directed and authorized to certify this resolution to the Stark County Auditor pursuant to the provisions of Sections 5705.03(B) of the Ohio Revised Code, and to proceed with all things necessary to be done in order to accomplish the purpose of this resolution and the requirements of Section 5705.03(B) of the Ohio Revised Code.

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. **3-0 yes**

**ATTACHMENT 07/28/08 F**

Pizzino moved and Burger seconded a motion to accept the resignation of part-time firefighter Kyle Nussbaum, effect July 31, 2008. **3-0 yes**

**ATTACHMENT 07/28/08 G**

Pizzino moved and Burger seconded a motion to approve the appropriation transfer request from account code 210.210.5387, Cont. & Disc., to account code 210.210.5526, Fuel – Gasoline, in the amount of \$20,000.00. **3-0 yes**

**Highway Department**

**ATTACHMENT 07/28/08 H**

Pizzino moved and Walters seconded a motion to approve Budget Module No. 23-A-08 for Fulton / Wales Intersection Improvement to provide funds for ME Companies for streetscape lighting design in the amount of \$24,800.00. **3-0 yes**

**ATTACHMENT 07/28/08 I**

Pizzino moved and Walters seconded a motion to approve Budget Module No. 23-B-08 for Fulton / Wales Intersection Improvement to provide funds for ME Companies for streetscape sidewalk design in the amount of \$24,900.00. **3-0 yes**

**ATTACHMENT 07/28/08 J**

Pizzino moved and Burger seconded a motion to approve the appropriation transfer request from account code 324.310.5387, Discretionary, to account code 324.313.5710, Fulton/Wales Streetscape, in the amount of \$49,700.00. **3-0 yes**

**Park Department**

**ATTACHMENT 07/28/08 K**

Walters moved and Burger seconded a motion to table the resolution to amend park regulations. **3-0 yes**

**ATTACHMENT 07/28/08 L**

Pizzino moved and Burger seconded a motion to approve the appropriation transfer request from account code 214.510.5387, Discretionary, to account code 214.510.5526, Fuel, in the amount of \$5,000.00. **3-0 yes**

**Zoning & Planning Department**

**ATTACHMENT 07/28/08 M**

Walters moved and Burger seconded a motion to approve and authorize the Board members' signatures on the Report to County Auditor to place a lien upon the tax duplicate for nuisance abatement at 6843 High Mill Avenue NW. **3-0 yes**

**RESOLUTION 08-068, ATTACHED**

Pizzino moved and Burger seconded a motion whereas, the Jackson Township Board of Trustees, having been informed in writing that noxious weeds are growing on the lands in charge of Barbara Frey, Jackson Township, described as follows: Parcel No. 1700247 – 4430 20<sup>th</sup> St. N.W., Canton, OH 44708.

Therefore, be it resolved that said Barbara Frey, whose tax mailing address is: 338 Roxbury Ave. NW., 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 for 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**

**RESOLUTION 08-069, ATTACHED**

Pizzino moved and Burger seconded a motion whereas, the Jackson Township Board of Trustees, having been informed in writing that noxious weeds are growing on the lands in charge of Kenneth & Betty Kohler, Jackson Township, described as follows: Parcel No. 1605541 – 7070 Knight St. NW., Massillon, OH 44646..

Therefore, be it resolved that said Kenneth & Betty Kohler, whose tax mailing address is: 8636 Babst Ave. NW., Canal Fulton, OH 44614, 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 for 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**

**RESOLUTION 08-070, ATTACHED**

Pizzino moved and Burger seconded a motion whereas, the Jackson Township Board of Trustees, having been informed in writing that noxious weeds are growing on the lands in charge of Daniel Rachel, Jackson Township, described as follows: Parcel No. 1605347 – Lot #28 Uniondale ST. NW / Oakdale Allotment, Massillon, OH 44646..

Therefore, be it resolved that said Daniel Rachel, whose tax mailing address is: 1880 Greentree Pl., 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 for 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 07/28/08 N**

Pizzino moved and Walters seconded a motion to approve and authorize the Board members' signatures on the Report to County Auditor to place a lien upon the tax duplicates for mowing noxious weeds on the following properties:

1. 7883 Daytona Street NW
2. 2315 Helena Avenue NW
3. 5321 Meadowlark Street NW
4. 6360 Strausser Street NW
5. Northeast corner Brunnerdale and Fulton NW.

**3-0 yes**

**Fiscal Office**

**ATTACHMENT 07/28/08 O**

Pizzino moved and Burger seconded a motion to pay the bills in the amount of \$841,771.78.

**3-0 yes**

**ATTACHMENT 07/28/08 P**

Pizzino moved and Burger seconded a motion to approve the minutes of the July 11, 2008 Board of Trustees meeting. **3-0 yes**

## **Routine Business**

### **Announcements**

- Next regular Board of Trustees meeting, August 11, 2008, 4:00 p.m., Executive and/or Work Session; 6:00 p.m., General Session, Township Hall.
- LOGIC, August 7, 2008, 9:00 a.m., Safety Center, Chiefs' Conference Room.
- CIC, August 18, 2008, 5:30 p.m., Township Hall.
- Board of Zoning Appeals, August 14, 2008, 7:00 p.m., Township Hall.
- Zoning Commission, August 21, 2008, 5:00 p.m., Township Hall.
- Citizen Advisory Committees:
  - Community Celebration, August 12, 2008, 5:30 p.m., Township Hall.
  - Park, August 12, 2008, 6:30 p.m., Township Hall.
  - Highway/Traffic, August 20, 2008, 6:30 p.m., Township Hall.

**Old Business** – None

### **New Business**

Dave Ruwadi informed the Board he was notified by Aqua Ohio that they will be adding on to a water line which will cause the Park restrooms to be shut down for a while on Wednesday, July 30.

#### **ATTACHMENT 07/28/08 Q**

Pizzino moved and Walters seconded a motion not to request a hearing on the advisability of issuing a liquor permit to A1 Japan Inc., dba A1 Japan Steakhouse, 4770 Dressler Rd. N.W., Canton, OH 44718. **3-0 yes**

#### **ATTACHMENT 07/28/08 R**

Pizzino moved and Walters seconded a motion not to request a hearing on the advisability of issuing a liquor permit to M & B Entertainment LLC, dba Munson's Home Plate Sports Pub, 5686 Dressler Rd. N.W., North Canton, OH 44720. **3-0 yes**

#### **ATTACHMENT 07/28/08 S**

Pizzino moved and Walters seconded a motion not to request a hearing on the advisability of issuing a liquor permit to Carrabbas Italian Grill LLC, dba Carrabbas Italian Grill, 6560 Strip Ave. NW. & Patio, Canton, OH 44720. **3-0 yes**

**ATTACHMENT 07/28/08 T**

Pizzino moved and Walters seconded a motion not to request a hearing on the advisability of issuing a liquor permit to Outback Steakhouse of Florida LLC, dba Outback Steakhouse, 4303 Whipple Ave. N.W., Canton, OH 44718. **3-0 yes**

At 6:31 p.m., Pizzino opened the Public Hearing for the Street Lighting District for Hunters Chase #2.

Gonzalez said that a petition had been filed for a lighting district for Hunters Chase #2. He asked if anyone would like to speak in favor of the proposed lighting district.

Jim Shumaker, 7201 Mossy Oaks Ave., asked why the lights at one particular corner were only about 100 feet apart.

Gonzalez said the placement of lights was made by the electric company and they measure the luminary in each area. They then try to keep it consistent throughout the entire district.

Pizzino asked if there was a curve in the street. Mr. Shumaker said it was at an intersection. He said it was at the intersection of Hunters Chase and Mossy Oaks and that it seemed like one would light up the entire intersection.

Gonzalez said he would relay that concern to the electric company.

Gonzalez asked if there was anyone who would like to speak in opposition to the lighting district. No one came forward.

**RESOLUTION 08-071, ATTACHED**

Pizzino moved and Walters seconded a motion that a hearing having been had upon the attached petition requesting that the Board of Jackson Township trustees take all lawful and proper proceedings to light artificially the streets and public ways in an unincorporated district in this Township, following notice and actual view taken, and the Board of Township Trustees finding:

- (1) That the petition was filed with the Township Fiscal Officer on July 7, 2008 and that the Board of Township Trustees was duly notified by him of such filing and a copy of the petition was delivered to it on July 11, 2008.
- (2) That the petition was signed by owners of more than one-half of the front feet of the lots and lands abutting on the streets and public ways of the aforesaid district, and that the petition complied with the law in specifying the metes and bounds of the district but included no lands more than 660 feet from, nor any lands not abutting on, the streets and public ways in such districts; and
- (3) That due notice of a hearing before the Board of Township Trustees on the petition for Hunters Chase #2 was duly and timely served on all lot owners and corporation affected by the proposed improvement, and was duly and timely published as

against nonresidents pursuant to RC 515.04, and return of due service and publication was made according to law.

Be it further resolved by the Board of Trustees of Jackson Township, Stark County, Ohio, that the proposed improvement to light artificially the streets and public ways in the district is necessary, and the petition is granted accordingly; that the number of lights necessary to light properly the streets and public ways is 10, that the lights shall be standard street light lumens; that they shall be located at the places described in the attached print; and that the kind of supports therefore shall be as described on the print.

Be it further resolved that, pursuant to ORC Section 515.08 and in accordance with the attached ESIP Agreement with Ohio Edison, we hereby contract with the Ohio Edison for a ten (10) year period for the installation and maintenance of the lights described in the attached plan in the amount of approximately \$3.94 per light per month for a total of \$472.80 per year. The Developer is responsible for payment of the installation cost and/or connection fee for this street lighting.

Be it further resolved that the costs and expenses of furnishing and maintaining such lights shall be paid from a fund made by special assessment against the lots and lands in the district which are benefited by such lighting as provided in the attached assessment chart and the Fiscal Officer shall certify this Resolution and assessment chart to the Stark County Auditors Office. **3-0 yes**

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

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**John Pizzino**

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**Randy Gonzalez**