

RECORD OF PROCEEDINGS

MINUTES OF JACKSON TOWNSHIP BOARD OF TRUSTEES MEETING

JUNE 22, 2009

Pizzino called the meeting to order at 4:05 p.m. at the Jackson Township Hall with all Trustees, Fiscal Officer, Lyon and Neftzer present.

Pizzino moved and Burger seconded a motion to go into Executive Session to prepare for and review negotiations with public employees. **3-0 yes**

Pizzino moved and Burger seconded a motion to go into Executive Session to consider the purchase of property for public purposes. **3-0 yes**

Upon return from Executive Session, Pizzino opened the Work Session at 5:38 p.m.

Work Session

ATTACHMENT 06/22/09 A

Lyon presented to the Board the Street Pole Banner Policy. She explained that it was designed to allow non-profit organizations to publicize their events and that they would pay a nominal fee. She said the Township Highway Department would install and remove the banners. She said there is an application process and specifications regarding the banners. She showed the Board some new banner designs for the Township and Chamber. There was some discussion about the amounts charged by other entities and the amount being considered by the Township to display banners.

Gonzalez reminded the Board that at one time it was suggested that a Jackson Township flag be designed. He said it could be a contest or hired out. He said it would be a lot of American flags if one were put on each flagpole and a Township flag would break that up.

At 5:48 p.m., Pizzino began the Work Session with the Police Department regarding Hooked on Fishing.

Chief Neftzer introduced Steve Cindea who then introduced some of the other people who have been involved in the program for several years. He showed a video about the program.

Walters said he attended the year end luncheon and was very impressed with what he saw and heard about the program. He thanked Officer Cindea and all the volunteers for their time and dedication.

At 6:00 p.m., Pizzino called the General Session to order with all department heads present except Chief Heck who was represented by Deputy Chief Shreiner, Fitzgerald and Moore who were on vacation. He requested that all cell phones and pagers be turned off at this time.

The Pledge of Allegiance was recited.

Public Speaks – None

Administration Department

**RESOLUTION 09-043, ATTACHED
NOXIOUS WEEDS POLICY AMENDMENT**

Walters moved and Burger seconded a motion to amend the Noxious Weeds Policy to include an administrative fee of \$150 for each noxious weed complaint when a Resolution is adopted by the Board of Trustees. **3-0 yes**

ATTACHMENT 06/22/09 B

Pizzino moved and Burger seconded a motion to approve and authorize the Board members' signatures on the attached Report to the County Auditor to place a lien upon the tax duplicate for mowing noxious weeds on property located at:

1. 9065 Paulding Street NW, Parcel No. 16-11504
2. 5321 Meadowlark Street NW, Parcel No. 16-06296
3. 9578 Strausser Street NW, Lot #6, Westmoor Allotment #1, Parcel No. 16-08658.

3-0 yes

**RESOLUTION 09-044, ATTACHED
CITY OF CANTON/JACKSON TOWNSHIP CEDA JOINT PUBLIC HEARING**

Walters moved and Burger seconded a motion whereas, the City of Canton wishes to annex a certain portion of land consisting of approximately 22.377 acres of land known as the RM Investments/Metro RTA Annexation Area now located in Jackson Township, Stark County, Ohio, and

Whereas, the City of Canton and the Board of Trustees of Jackson Township have engaged in successful negotiations to facilitate the annexation of said land by the City of Canton and allow Jackson Township to retain certain economic benefits which will result in cooperative growth in the City of Canton and Jackson Township; and

Whereas, Ohio Revised Code Section 701.07 specifically authorized the City of Canton to enter into a Cooperative Economic Development Agreement (CEDA) with the Board of Trustees of Jackson Township; and

Be it resolved that the City of Canton and Jackson Township shall hold jointly a public hearing on the 3rd day of August, 2009, at 4:00 p.m. at the Jackson Township Administration Building, 5735 Wales Avenue NW, Massillon, Ohio 44646 after providing residents of the territory affected by the attached CEDA at least 30 days public notice of the time and place of the public hearing in a newspaper of general circulation.

Be it further resolved that, during the 30 day time period prior to the public hearing, the offices of the City Clerk of Council and the Jackson Township Fiscal Officer shall make available copies of the attached CEDA available for public inspection.

Be it further resolved that the City of Canton will publish the attached newspaper publication.

3-0 yes

Fire Department

ATTACHMENT 06/22/09 C

Walters moved and Burger seconded a motion to approve \$17,047 to Ortivus Company to purchase the Fusion software package.

3-0 yes

ATTACHMENT 06/22/09 D

Walters moved and Burger seconded a motion to accept the resignation of part-time firefighter James Dennis effective June 16, 2009 and to remove Todd Snyder from the payroll system effective June 22, 2009 based upon his previous resignation.

3-0 yes

Highway Department

RESOLUTION 09-045, ATTACHED 2009 CURBING PROJECT AWARD

Walters moved and Burger seconded a motion that Scassa Asphalt, Inc. is the lowest and best bidder for the 2009 Curbing Project and hereby award a Contract to them in the base bid amount of \$139,978.92 with Alternates A, B, C, D, E, and F in the amount of \$46,848.24 for a total Contract amount of \$186,827.16 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 09-046, ATTACHED 2009 STRIPING PROJECT AWARD

Walters moved and Burger seconded a motion that Dura Mark, Inc. is the lowest and best bidder for the Striping Project 2009 and hereby award a Contract to them in the amount of \$39,437.30 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

ATTACHMENT 06/22/09 E

Pizzino moved and Burger seconded a motion to approve and authorize the Board President to sign attached Change Order No. 1 for the Fulton/Wales Streetscape Project, decreasing the contract price by \$2,622.60.

3-0 yes

Boger reminded everyone that the Stark County Engineer has closed Portage Street NW between Arlington and the next street east for replacement of a storm sewer. The road will be closed all this week.

Pizzino asked if the drop off site has been reopened. Boger said it has been cleaned and was reopened on Sunday afternoon.

Park Department

ATTACHMENT 06/22/09 F

Walters moved and Burger seconded a motion to accept a donation of 90 yards of double ground mulch from Weisgarber Trucking, Inc. **3-0 yes**

ATTACHMENT 06/22/09 G

Walters moved and Burger seconded a motion to approve and authorize our signatures on the attached Proclamation recognizing July as Parks and Recreation Month. **3-0 yes**

Police Department

Walters moved and Pizzino seconded a motion to accept a \$500.00 donation to Hooked on Fishing, Not on Drugs, from Massillon Cable TV, Inc. **3-0 yes**

ATTACHMENT 06/22/09 H

Walters moved and Burger seconded a motion to implement the following recommendations for cost reductions:

1. The Evidence Technician hours will be reduced from 40 hours a week to 30 hours a week effective Monday, July 6, 2009.
2. The status of the part time assistant law director will be changed to consultant with the transition to be completed within a time period not to exceed 30 days.
3. Reduction of hours at the front desk at the Safety Center from 12:00 p.m. to 8:00 p.m.

3-0 yes

Zoning & Planning Department

RESOLUTION 09-047, ATTACHED

NOXIOUS WEEDS – 4926 DRESSLER ROAD NW, 16-19405, 24 SE

Walters moved and Burger seconded a motion whereas, the Jackson Township Board of trustees, having been informed in writing that noxious of other harmful weeds are growing on the lands in charge of Bens Canton LLC in Jackson Township, described as follows: 4926 Dressler Road NW, 16-19405, 24SE, Jackson Township.

Therefore, be it resolved that said Bens Canton LLC whose tax mailing address is c/o Pegasus Investments, 15915 Ventura Boulevard PH2, Encino, CA 91436, 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 RIC 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 continuing duty to cut or destroy the noxious weeds every 30 days from the date of this Resolution until September 30, 2009. 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 09-048, ATTACHED

NOXIOUS WEEDS – KILKENNY CIRCLE NOW, LOT 5, WEXFORD ESTATES 16-21940, DROMOLAND CIRCLE NW, LOT 27, WEXFORD ESTATES, 16-21962, 16NW

Walters moved and Burger seconded a motion whereas, the Jackson Township Board of trustees, having been informed in writing that noxious of other harmful weeds are growing on the lands in charge of Timberidge Enterprises Ltd. in Jackson Township, described as follows: Kilkenny Circle NW, Lot #5, Wexford Estates, parcel No. 16-21940 and Dromoland Circle NW, Lot #27, Wexford Estates, parcel No. 16-21962, Jackson Township.

Therefore, be it resolved that said Timberidge Enterprises Ltd. whose tax mailing address is 5595 Massillon Road, Dalton, OH 44618, 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 RIC 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 continuing duty to cut or destroy the noxious weeds every 30 days from the date of this Resolution until September 30, 2009. 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**

Pizzino moved and Walters seconded a motion to set a public hearing on July 27, 2009 at 6:15 p.m. for nuisance violation; property owner Ray Dodds, 6843 Highmill NW. **3-0 yes**

ATTACHMENT 06/22/09 I

At 6:25 p.m., Poindexter summarized Amendment 576-09 to rezone property located at 5211 Portage Street NW from R-R Rural Residential, to R-2 Two Family Residential. She said this went before the Stark County Regional Planning on June 9 and they recommended this amendment be approved. She said this went before the Jackson Township Zoning Commission on June 11, 2009 and they recommended denial.

Pizzino asked if anyone wanted to speak in favor of the amendment.

Mohammed Saleh, 5211 Portage St., spoke in favor of the amendment. He said his reasoning was that it would be a part of the buffer zone which includes duplexes and rental property in that area on Portage. He said he and his wife and son are living on the property now and they would continue to live on the property.

Charles Danner, 5220 Portage St. N.W., said his family lives directly across the street from this address. He said his family is in favor of the change. He asked what the maximum number of residences would be allowed under an R-2 zoning. Poindexter told him only one duplex per property is allowed.

Pizzino asked if anyone else wanted to speak in favor of the zoning change. No one came forward. He then closed that portion of the hearing. He asked if anyone would like to speak against the zoning change. No one came forward to object. He then closed that portion of the hearing.

Walters said this looked like a reasonable request.

Pizzino said he went out and inspected the property. He said there are several duplexes already in the area.

Walters moved and Burger seconded a motion to deny the recommendation of the Zoning Commission.

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| Walters | yes |
| Pizzino | yes |
| Burger | yes |

ATTACHMENT 06/22/09 J

At 6:37 p.m., Poindexter summarized amendment 577-09. She said these are proposed text changes from the Zoning Commission. She said these changes went before Regional Planning on June 9 and they recommended approval.

Pizzino asked Ms. Poindexter to explain more about the free standing wind energy mills. She said in the Zoning Regulation they currently have 'free standing windmills'. She said there is nothing in there for 'small structure mounted wind energy systems', which would be a small windmill attached to a home. She said this change would be for a windmill that is attached to a building and would be permitted in any zoning district. She said another change to the regulation included the decommissioning of the windmills for both free standing and small wind energy windmills. She explained that when the useful life is up, the regulations are there to enforce the removal of the windmill.

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

3-0 yes

Fiscal Office

ATTACHMENT 06/22/09 K

Pizzino moved and Walters seconded a motion to pay the bills in the amount of \$478,315.58.

3-0 yes

ATTACHMENT 06/22/09 L

Pizzino moved and Walters seconded a motion to approve the minutes of the June 8, 2009. Board of Trustees meeting and the June 8, 2009 Records Commission meeting.

3-0 yes

ATTACHMENT 06/22/09 M

Pizzino moved and Walters seconded a motion to request an advance of property taxes from the County Auditor.

3-0 yes

Routine Business

Announcements

- Next regular Board of Trustees meeting, July 13, 2009, 4:00 p.m., Executive and/or Work Session; 6:00 p.m., General Session, Township Hall.
- LOGIC, July 2, 2009, 9:00 a.m., Safety Center, Chief's Conference Room.
- CIC, July 20, 2009, 5:00 p.m., Township Hall.
- Citizens Advisory Committees:
 - Community Celebration Wrap-Up Meeting, August 11, 2009, 5:30 p.m., Township Hall.
 - Highway/Traffic, August 19, 2009, 6:30 p.m., Township Hall.
 - Park, September 15, 2009, 6:30 p.m., Township Hall.
- THANK YOU to all volunteers, employees, and all other individuals and businesses that contributed to this year's Community Celebration.

Old Business – None

New Business

Walters moved and Burger seconded a motion to accept sponsorship donations to the Community Celebration from:

1. \$100.00 from PTSI
2. \$250.00 from Sonic Drive In.

3-0 yes

Public Speaks – Open Forum

ATTACHMENT 06/22/09 N

Scott Walter, from Sugarcreek, Ohio representing the Kimble Companies. He came in to speak to the Trustees regarding a letter received by Kimble Companies about the refuse pickup. He wanted to assure the Trustees that his company made a point of not being in residential neighborhoods before 6:00 a.m. He said the trucks leave from Dover between 5:00 to 5:30 a.m. so by the time they reach their route it's around 6:00. He said they operate in 22 counties in eastern Ohio and most counties and municipalities don't want pickup before 6:00. He asked if there has been any change to the home rule legislation to change the time to 7:00 a.m.

Pizzino told him they have asked all refuse companies to voluntarily comply. He said there were a number of residents who called about the early hour of pickup.

Mr. Scott said if the time was changed to 7:00 a.m., they would comply with that. He said one reason to consider leaving the time at 6:00 is to allow pickup to take place along the main roads before rush hour and to get the areas around schools before school starts.

Mr. Scott left some information on the Kimble Companies with the Trustees.

Walters moved and Burger seconded a motion to adjourn.

3-0 yes

John Pizzino

Randy Gonzalez