

RECORD OF PROCEEDINGS

MINUTES OF JACKSON TOWNSHIP BOARD OF TRUSTEES MEETING

JUNE 8, 2009

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

Pizzino moved and Walters seconded a motion to go into Executive Session for Park Department Personnel (Appointment/Employment/Compensation) – Interview temp. park maintenance worker applicant. **3-0 yes**

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

Upon return from Executive Session at 5:42 p.m., Pizzino opened the Work Session.

Work Session

Police Department

ATTACHMENT 06/08/09 A

Chief Neftzer presented the Board with some ideas where he could save approximately \$100,000 per year on his budget. The line items he addressed were Temporary Services Payment, Legal Services, and Evidence Technician. Gonzalez asked if there was an activity log on calls and walk in requests on weekends. Neftzer said there is and the activity was low. There was additional discussion on how requests were handled when the Safety Center was closed previously on nights and weekends. Gonzalez pointed out that one thing that allowed the Chief to save money is that the Board made the decision to put one levy on the ballot and do away with the other four levies. Gonzalez reminded the Board that \$1.6 million from personal property tax will not be available in 2011.

Fitzgerald explained to the Board about the video service provider fee. He informed the Board that Massillon Cable would not be able to assess the fee. He said Time Warner estimated it would generate about \$180,000. Pizzino pointed out this would be a tax imposed by the Board and that it would be imposed upon approximately half of the residents of the Township. Gonzalez pointed out that years ago this was a franchise fee that the company was to pay but the companies have passed the cost down to the consumer. The Board was against assessing this fee at this time.

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

Administration Department

ATTACHMENT 06/08/09 B

Burger moved and Walters 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 8682 Candleberry Street NW, Parcel No. 16-17167. **3-0 yes**

ATTACHMENT 06/08/09 C

Burger moved and Walters seconded a motion to approve and authorize the Board member's 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 6030 Chermont Street NW, Parcel No. 16-02442. **3-0 yes**

ATTACHMENT 06/08/09 D

Walters moved and Burger seconded a motion to table the resolution to amend the Noxious Weeds Policy to include an administrative fee of \$150 for each noxious weed complaint. **3-0 yes**

ATTACHMENT 06/08/09 E

Walters moved and Burger seconded a motion to revoke the appointment of David Ruwadi as the Township Safety Coordinator and terminate the associated \$2,000 annual stipend effective June 8, 2009 and to appoint Michelle Caldwell as the Township Safety Coordinator effective June 8, 2009. **3-0 yes**

ATTACHMENT 06/08/09 F

Walters moved and Burger seconded a motion to appoint Ron Revlock as the Board of Trustees' representative to serve on the Jackson Township Recycling Station Board of Trustees, replacing David Ruwadi, effective June 9, 2009. **3-0 yes**

Fire Department

ATTACHMENT 06/08/09 G

Pizzino moved and Walters seconded a motion to approve the appropriation transfer request from account code 210.210.5378, Disc. & cont., to account code 210.210.5432, Computer related serv., in the amount of \$3,000.00. **3-0 yes**

Highway Department

At 6:15 p.m., Boger opened the 2009 Curbing Improvement Project bids.

Daniel A. Terreri & Sons	\$185,550.00
BCS Contractors, Inc.	\$213,011.40
Tony Zumbo & Son	\$185,550.00
Scassa Asphalt Inc.	\$139,978.82

Spano Brothers	\$169,963.80
Foust Construction Inc.	\$180,206.16
Cementech, Inc.	\$184,044.63
Central Allied Enterprises	\$182,581.20

Pizzino moved and Walters seconded a motion to accept all the 2009 Curbing Improvement Project bids. **3-0 yes**

At 6:20 p.m., Boger opened the 2009 Striping Project bids.

American Roadway Logistics, Inc.	\$42,900.00
A & A Safety, Inc.	\$52,464.40
Oglesby Construction	\$48,691.12
Dura Mark, Inc.	\$39,437.30
J. D. Striping & Services, Inc.	\$40,976.58
Mar-King Construction, Inc.	\$45,881.10

Pizzino moved and Walters seconded a motion to accept all the 2009 Striping Project bids. **3-0 yes**

ATTACHMENT 06/08/09 H

Pizzino moved and Walters seconded a motion to approve Budget Module No. 2009-29-A for Frank Ave. Improvement – Mega North in the amount of \$51,335.00. **3-0 yes**

ATTACHMENT 06/08/09 I

Pizzino moved and Walters seconded a motion to approve the appropriation transfer request from account code 324.310.5387, Discretionary, to account code 324.325.5710, Frank – Mega North, in the amount of \$51,335.00. **3-0 yes**

ATTACHMENT 06/08/09 J

Pizzino moved and Walters seconded a motion to approve the appropriation transfer request from account code 204.310.5387, Discretionary, to account code 204.310.5493, Leaf Cleanup, in the amount of \$30,000.00. **3-0 yes**

ATTACHMENT 06/08/09 K

Pizzino moved and Walters seconded a motion to approve the appropriation transfer request from account code 211.310.5387, Discretionary, to account code 211.310.5606, Resurfacing, in the amount of \$4,200.00. **3-0 yes**

ATTACHMENT 06/08/09 L

Boger explained how Mt. Pleasant Road is the dividing line between the City of Green and Jackson Township and that the line is in the middle of the road. That means the speed limit must be the same on both sides. He reported that there was a speed study done and that the speed limit from High Mill to Tamarack should be 40 mph and from Tamarack to Wales should be 45 mph. He said the City of Green has agreed to those speed limits.

**RESOLUTION 09-037, ATTACHED
MT. PLEASANT SPEED REDUCTION**

Walters moved and Burger seconded a motion whereas, the Board of Trustees of Jackson Township, Stark County, Ohio (hereafter Jackson Township) recently engaged ME Companies to perform a speed zone study on Mt. Pleasant Road between Arlington Road and Wales Avenue; and

Whereas, the City of Green, Summit County, Ohio (hereafter City of Green) also engaged ME Companies to perform a speed zone study on Mt. Pleasant Road between Arlington Road and High Mill Avenue; and

Whereas, Mt. Pleasant Road, between Arlington Road and Wales Avenue (SR 241) lies within the joint jurisdiction of both Jackson Township and the City of Green; and

Whereas, Ohio Revised Code Section 4511.21(n) sets forth the process for establishing a speed limit on a highway jointly controlled by two jurisdictions, and

Whereas, the Ohio Department of Transportation reviewed the results of the speed zone studies and found them to be reasonable, and

Whereas, pursuant to the traffic studies obtained from ME Companies by Jackson Township and the City of Green, Jackson Township and the City of Green desire to establish a speed limit of Forty Five (45) miles per hour on Mt. Pleasant Road between Tamarack Avenue and Wales Avenue (SR 241); and, a speed limit of Forty (40) miles per hour on Mt. Pleasant Road between High Mill Avenue and Tamarack Avenue.

Be it resolved that Jackson Township agrees with the City of Green and the Green City Council that a reasonable and safe prima facie speed limit for Mt. Pleasant Road between Tamarack Avenue and Wales Avenue (SR 241) to be Forty Five (45) miles per hour. Jackson Township also agrees with the City of Green and the Green City Council that a reasonable and safe prima facie speed limit for Mt. Pleasant Road between Tamarack Avenue and High Mill Avenue to be Forty (40) miles per hour. Jackson Township made this determination based upon the engineering and traffic studies performed by ME Companies on behalf of Jackson Township and the City of Green. The Board of Trustees of Jackson Township request the Director of Transportation to declare a reasonable, safe prima facie speed limit on Mt. Pleasant Road, between Tamarack Avenue and Wales Avenue (SR 241) to be Forty Five (45) miles per hour and declare a reasonable, safe prima facie speed limit on Mt. Pleasant Road, between Tamarack Avenue and High Mill Avenue to be Forty (40) miles per hour. **3-0 yes**

ATTACHMENT 06/08/09 M

Boger notified the Board that the drop off area will be closed to the public from Monday, June 15, 2009 thru Sunday, June 21 for improvements and fireworks for the Community Celebration.

Legal Department

ATTACHMENT 06/08/09 N

Walters moved and Burger seconded a motion to request a hearing on the advisability of issuing a liquor permit to TA Operating LLC dba North Canton Travel Center, 4450 Portage St. N.W., North Canton, OH 44720 and to request that the hearing be held in the County seat. **3-0 yes**

RESOLUTION 09-038, ATTACHED STRAUSSER PARK LEASE

Pizzino moved and Walters seconded a motion to adopt and authorize the placement of our signatures upon the attached Lease with the Board of Education of the Jackson Local School District. **3-0 yes**

Park Department

ATTACHMENT 06/08/09 O

Walters moved and Burger seconded a motion to authorize the hiring of Brian Floom as a park maintenance worker, through the temporary service, subject to a negative drug screen, at the rate of \$8.00 per hour, effective June 11, 2009, per the recommendation of the Park/Operations Director. **3-0 yes**

ATTACHMENT 06/08/09 P

Walters moved and Burger seconded a motion to authorize temporary road closures for the 2009 Community Celebration 5K Run in accordance with the attached memorandum from the Park/Operations Director. **3-0 yes**

ATTACHMENT 06/08/09 Q

Walters moved and Burger seconded a motion to approve Budget Module No. 09-9 for the excavation of two multi-purpose athletic fields at Strausser Park in the amount of \$25,000.00. **3-0 yes**

Police Department

ATTACHMENT 06/08/09 R

Walters moved and Pizzino seconded a motion to authorize out-of-state travel for police Major to attend a "Crimes Against Children Conference" in Dallas, TX, August 17-20, 2009. **3-0 yes**

Zoning & Planning Department

RESOLUTION 09-039, ATTACHED

NOXIOUS WEEDS – 4627 20TH STREET NW, .41 ACRES, PARCEL NO. 17-00094, SE-36

Walters moved and Burger seconded a motion whereas, the Jackson Township Board of Trustees, having been informed in writing that noxious or other harmful weeds are growing on

the lands in charge of Veterans Affairs Secretary in Jackson Township, described as follows: 4627 20th Street NW, .41 Acres, Parcel No. 17-00094, S.E. Quarter Section 26, Jackson Township.

Therefore, be it resolved that said Veterans Affairs Secretary whose tax mailing address is BAC Tax Services Corp, 2375 N. Glenville Drive TX2-97502-01, Richardson, TX 75082, be notified be 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, 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 09-040, ATTACHED
NOXIOUS WEEDS – 8069 ORCHARDWAY STREET NW, LOT #1, PARCEL NO. 16-08514, NE-05**

Walters moved and Burger seconded a motion whereas, the Jackson Township Board of Trustees, having been informed in writing that noxious or other harmful weeds are growing on the lands in charge of Alvin G & Elizabeth A. Schindler in Jackson Township, described as follows: 8069 Orchardway Street NW, Lot #1, Woodridge Allotment #1, Parcel No. 16-08514, N.E. Quarter Section 05, Jackson Township.

Therefore, be it resolved that said Alvin G. & Elizabeth A. Schindler whose tax mailing address is 2721 Mayfair Road, Akron, OH 44312, be notified be 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, 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 09-041, ATTACHED
NOXIOUS WEEDS – DIAMONDBACK AVENUE NW, LOTS #202, 218, 219, 221, & 222, PARCEL NOS. 16-28062, 16-28078, 16-28079, 16-28081, & 16-28082, NW-7**

Walters moved and Burger seconded a motion whereas, the Jackson Township Board of Trustees, having been informed in writing that noxious or other harmful weeds are growing on the lands in charge of Wagler Homes of Akron, Inc. in Jackson Township, described as follows: Diamondback Avenue N.W., Lots #202, 218, 219, 221, & 222, Emerald Estates #6, Parcel Nos. 16-28062, 16-28078, 16-28079, 16-28084, & 16-28082, N.W. Quarter Section 7S.E. Quarter Section 26, Jackson Township.

Therefore, be it resolved that said Wagler Homes of Akron, Inc. whose tax mailing address is 3656 Massillon Road, Uniontown, OH 44685, be notified be 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, 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 09-042, ATTACHED

NOXIOUS WEEDS – UNIONDALE STREET N.W., LOT #28, OAKDALE ALLOTMENT, PARCEL NO. 16-05347, SW-28

Walters moved and Burger seconded a motion whereas, the Jackson Township Board of Trustees, having been informed in writing that noxious or other harmful weeds are growing on the lands in charge of Daniel Rachel in Jackson Township, described as follows: Uniondale Street NW, Lot #28, Oakdale Allotment, Parcel No. 16-05347, S.W. Quarter Section 28, Jackson Township.

Therefore, be it resolved that said Daniel Rachel whose tax mailing address is 1880 Greentree Place SE, Massillon, OH 44646, be notified be 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, 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**

Walters moved and Burger seconded a motion to set a public hearing at 6:15 p.m. on June 22, 2009 for zoning amendment 576-09, to rezone from R-R Rural Residential to R-2 Two Family Residential, property located at 5211 Portage Street NW. **3-0 yes**

Walters moved and Burger seconded a motion to set a public hearing at 6:20 p.m. on June 22, 2009 for zoning amendment 577-09, Miscellaneous Text Amendments including, but not limited to, Sign regulations and Small Structure Mounted Energy Conversion Systems. **3-0 yes**

ATTACHMENT 06/08/09 S

Pizzino announced that the rezoning request, Amendment 574-09, to rezone from R-R Rural Residential to R-2 Two Family Residential, three parcels on Hills & Dales NW, 40 ft. west of Hills & Dales and Abbotsford has been withdrawn.

ATTACHMENT 06/08/09 T

At 6:40 p.m., Pizzino opened the public hearing on Amendment 575-09 to rezone from R-R Rural Residential to B-1 Suburban Office & Limited Business, 2.18 acres at the NW corner of Portage and Lake Cable NW.

Poindexter told the Board this petition appeared before the Stark County Regional Planning Commission on May 5, 2009 and they recommended denial. She said part of the reasoning was that the surrounding area consists of primarily single-family housing and the adjacent parcel north of the tract are being utilized by Branhaven Swim and Tennis Club and the Jackson Sports Dome, which are considered recreational land uses. She said this petition went to the Zoning Commission on May 21 and they agreed with the Stark County Regional Planning Commission recommendation and recommended denial.

Rich Peterson of 1531 Ravenna Ave appeared as an agent for KEM Investments pointed out that there were no objections to the zone change from any of the contiguous property owners and many of the complaints that were raised during the hearing were directed at the Branhaven Swim Club and the current condition of that property. He said there is B-1 zoning currently in existence less than 500 feet to the west of the parcel and also R-2 that adjoins it. He said B-3 exists approximately 1375 feet to the east of the parcel. He said the 'proposed development will make use of existing and new foliage to blend in with the surroundings and to be conducive with the environment and the residential surroundings'. He said looking for other property isn't an option because the 'use is sports related or sports medicine related in a professional setting'.

Ron Wooten, 7672 Braucher, North Canton, said he found out about a week ago that Mr. Kempthorn was given unfair treatment in the possible purchase of that property. He said he is the real estate broker who sold Branhaven as well as the front parcel. He said there 'were multiple people that were contacted publicly for the potential purchase of the property'. He said Mr. Kempthorn was not given unfair treatment. He said he went to Mr. Kempthorn on multiple occasions to try to get him to buy the front parcel and he declined. He explained that the developer wanted to buy the property so Mr. Kempthorn purchased the property for the developer who later backed out.

Dick Kempthorn, 5160 Strausser, North Canton, pointed out that he was a part owner during the establishment of Branhaven. He said every time he 'comes out here', he 'has to sit and fight about certain zoning things that take place.' He said Branhaven has been 'good for the Township and for the youngsters'.

Pizzino asked if there was anyone else who wanted to speak in favor of the zoning change. No one came forward. He then asked if anyone would like to speak against it.

Byron Bell of 6765 Lake Cable Ave said Branhaven was a good neighbor for many years but no one was in favor of the dome. He said after the dome collapsed, it has been rebuilt but the area still looks like a moonscape. He said there is no maintenance, there are weeds and construction debris still there. He pointed out that Portage has been widened and traffic is heavy in that area and offices there would increase that traffic. He said people don't want office buildings there.

Barbara Kroft of 5701 Cherokee said she walks often around the dome but her concern was the increase in traffic from Portage to Huckleberry if offices were built there. She said she has seen many places for lease in Jackson Township and doesn't see a need for new buildings. She also said it would devalue their property and that she wants to keep it residential.

Mark George of 5529 Bexley Circle NW said the proposed zone change is right across the street from his property. He cited the heavy traffic on Portage and going into Branhaven and pointed out that there have been a number of accidents in that area. He also said any lighting put up would be detrimental to residents nearby.

Pizzino asked if anyone else wanted to speak against the zoning change. No one came forward. He then closed this portion of the hearing.

The Trustees had some additional discussion regarding the zoning change.

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

Fiscal Office

ATTACHMENT 06/08/09 U

Pizzino moved and Walters seconded a motion to pay the bills in the amount of \$1,095,237.26. **3-0 yes**

ATTACHMENT 06/08/09 V

Pizzino moved and Walters seconded a motion to approve the minutes of the May 27, 2009 Board of Trustees meeting. **3-0 yes**

ATTACHMENT 06/08/09 W

Pizzino moved and Walters seconded a motion to approve the May 2009 financial reports. **3-0 yes**

Gonzalez told the Board about a meeting attended by himself, Mr. Pizzino and Mr. Fitzgerald with the Canton officials on Friday, June 5 and they have agreed to table things. He said the language was changed in the agreement and they could do that since the case was pending. He said they agreed to wait two weeks to see if North Canton will withdraw their appeal. He said in two weeks they will look at the situation again and go forward, either with North Canton appealing or North Canton not appealing. He said Mr. Fitzgerald has put together language that it will work either way.

Pizzino said the agreement with the City of Canton is ready to be signed and it has all the terms the Township has asked for.

Routine Business

Announcements

- Next regular Board of Trustees meeting, June 22, 2009, 4:00 p.m., Executive Session and/or Work Session, 6:00 p.m., General Session, Township Hall.
- CIC meeting, June 15, 2009, 5:00 p.m., Township Hall.
- LOGIC meeting, July 2, 2009, 9:00 a.m., Safety Center, Chiefs' Conference Room.
- Zoning Commission, June 11, 2009, 5:00 p.m., Township Hall.
- Board of Zoning Appeals, June 11, 2009, 6:30 p.m., Township Hall.
- Citizens Advisory Committees:
 - Community Celebration, June 9, 2009, 5:30 p.m., Township Hall.
 - Park, June 9, 2009, 6:30 p.m., Township Hall.
 - Highway/Traffic, August 19, 2009, 6:30 p.m., Township Hall.
- Jackson Community Celebration, June 17 – 20, North Park. Rides, Games, Food, Children's Activities and Inflatables, Car Show, 5-K Run, Nightly Live Entertainment, Fireworks on Saturday. Free Admission.

Old Business – None

New Business

Walters moved and Burger seconded a motion to accept an \$11,000.00 sponsorship donation to the Community Celebration from Massillon Cable TV, Inc. **3-0 yes**

Walters moved and Burger seconded a motion to accept a \$2,500.00 donation to the Township from Massillon Cable TV, Inc. **3-0 yes**

Public Speaks – Open Forum

No one came forward.

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

John Pizzino

Randy Gonzalez