

RECORD OF PROCEEDINGS

MINUTES OF JACKSON TOWNSHIP TRUSTEES MEETING

MARCH 27, 2006

Pizzino called the meeting to order at 4:00 p.m. at the Jackson Township Hall with all Trustees, Fiscal Officer, Lyon and Fitzgerald present.

Pizzino moved and Burger seconded a motion to go into Executive Session for Management Personnel (Appointment/Employment/Compensation). **3-0 yes**

Upon return from Executive Session, Pizzino opened the Tax Incentive Review Council meeting with all Trustees, Mary Jo Slick and Mike Miller present.

ATTACHMENT 3/27/06 A

Meeks moved and Slick seconded a motion to appoint Michael Miller, Chief Deputy Auditor, as the Chairperson of the Council. **5-0 yes**

Slick moved and Pizzino seconded a motion to appoint Steven Meeks as Vice-President of the Council. **5-0 yes**

Meeks moved and Pizzino seconded a motion to appoint Mary Jo Shannon Slick as Secretary of the Council. **5-0 yes**

ATTACHMENT 3/27/06 B

Meeks moved and Pizzino seconded a motion to adopt the 2005 Annual Status Report to the Ohio Department of Development as the Council's determination of the increase in the true value of parcels of real property on which improvements have been undertaken as a result of the exemption; the value of improvements exempted from taxation as a result of the exemption; and the number of new employees or employees retained on the site of the improvement as a result of the exemption. **5-0 yes**

ATTACHMENT 3/27/06 C

Meeks moved and Burger seconded a motion to continue the Tax Increment Financing Agreement and the Tax Increment Financing Compensation Agreement. **5-0 yes**

Gonzalez reminded the Board that at the last Tax Incentive Review Council meeting the issue of recovering back taxes from GE Capital was brought up. The Prosecutor's office has assigned Debbie Dawson to look into the matter and asked that the Township Law Director work with her.

He has also called the Prosecutor's office regarding the Hoover abatement which is close to \$1,000,000, roughly \$600,000 to the school district. He asked that Slick get in touch with Ms. Dawson regarding this abatement.

Slick informed the Board that she received a letter on behalf of the Jackson School District from the Commissioners to attend the meeting where these issues will be under consideration. Superintendent Hascheck will be attending and will make a statement supporting the TIRC decision on GE Capital.

Meeks moved and Slick seconded a motion to adjourn.

5-0 yes

The Board went back into Executive Session to continue with Management Personnel (Appointment/Employment/Compensation).

At 5:48 p.m., Pizzino opened the Work Session on the Community Celebration.

Steve Studer of 8365 Parkford NW, reported on the bids received for fireworks. He said the bidding process could save money and should be considered for the future but because of time constraints this year it would not work out. He recommended Pyrotecnico for this year.

ATTACHMENT 3/27/06 D

Meeks moved and Burger seconded a motion to accept the attached Pyrotecnico fireworks display quote.

3-0 yes

ATTACHMENT 3/27/06 E

Meeks moved and Burger seconded a motion to adopt and authorize the placement of the Board President's signature upon the attached contract with Kramer Entertainment.

3-0 yes

Meeks reported on some of the specifics of the contract with Kramer Entertainment Agency, Inc.

Meeks informed the Board that the Basketball Association is very eager for the outdoor courts to be completed. They also would like to help raise funds by having three on three tournaments. Meeks has spoken with some of the Association members and has asked for a meeting so the Board will be aware of the time frame that the Association has in mind for the tournament. Meeks asked for the Board's approval that he represent the Board and offer the dates of the Community Celebration for the tournament in the unused parking area at the tennis courts. All members agreed.

At 6:02 p.m., Pizzino called the General Session to order with all department heads present except Chief Neftzer. 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 06-017, ATTACHED

Meeks moved and Burger seconded a motion that whereas, the Board of Trustees of Jackson Township, Stark County, Ohio, is authorized pursuant to Ohio Revised Code section 505.94 to

require the registration of all transient vendors within the unincorporated territory of the Township, to reasonably regulate the time, place and manner in which these vendors may sell, offer for sale, or solicit orders for future delivery of goods and to establish a reasonable registration fee for said vendors, and

BE IT RESOLVED THAT the following amendment to the existing transient vendor legislation is hereby adopted:

- (1) As used in this legislation, “transient vendor” means any person who opens a temporary place of business outside a building or while traveling about the Township, sells, offers for sale, or solicits orders for future delivery of goods, except that “transient vendor” does not include any person who represents a business, organization or entity exempted from taxation under Section 5709.04 of the Ohio Revised Code, that notifies the Board of Township Trustees that its representatives are present in the Township for the purpose of selling, offering for sale, or soliciting orders for the future delivery of goods, and further that “transient vendor” does not include an auction or an auctioneer company licensed under Chapter 4707 of the Ohio Revised Code. Entities exempt from taxation under Ohio Revised Code Section 5709.04 are corporations, trusts, associations, funds, foundations, or community chests, organized and operated exclusively for religious, charitable, scientific, literary, health, hospital, education, or public purposes, exclusively for the prevention of cruelty to children or animals, exclusively for a home for the aged or exclusively for contributing financial support to any such purposes and no part of the net earnings of any of these entities inures to the benefit of any private shareholder member or other individual or where no substantial part of the activities of these entities involves carrying on propaganda or otherwise attempting to influence legislation.
- (2) All “transient vendors” are hereafter required to apply for a transient vendor’s permit with the Zoning Inspector of Jackson Township at the administrative offices of Jackson Township, located at 5735 Wales Avenue, N.W., Jackson Township, Ohio 44646. Prior to being eligible to receive said permit, the transient vendor must first pay to the Township a seventy five (\$75.00) permit fee and must have previously received a vendor’s license for the sale of tangible personal property at retail from the Department of Taxation, State of Ohio.
- (3) Upon the issuance of a separate transient vendor’s permit to each applicant, said permit is valid for a period of ninety (90) consecutive days which shall commence from the date of issuance of the requested permit. Any vendor company currently established in the Township under a Certificate of Occupancy Permit issued by the Jackson Township Zoning Department shall be permitted to operate a transient vendor business pursuant to permit at no fee for any Jackson Township Community activity.
- (4) A transient vendor’s permit is required for each person who opens a temporary place of business outside a building or while traveling about the Township, sells, offers for sale, or solicits orders for future delivery of goods.
- (5) A validly authorized transient vendor’s permit can only be utilized in a B-1, Suburban Office and Limited Business District, B-2, Neighborhood Business District, B-3, Commercial Business District and I-1, Industrial District, of Jackson Township, Stark

County, Ohio, as set forth on the Township Zoning map; or a farm market permitted under Section 519.21 of the Ohio Revised Code.

- (6) The validly authorized transient vendor's permit and/or badge must be on display at the approved location(s) for the sale, offer for sale, or solicitation of orders for the future delivery of goods, or each person must display an authorized identification badge, who, outside a building or while traveling about the Township, sells, offers for sale, or solicits orders for future delivery of goods within the township.
- (7) The issuance of validly authorized transient vendor's permit does not authorize the use of the permit on private property without the owner's permission. A letter in writing from the property owner must be submitted prior to issuance of a permit.
- (8) An entity exempted from taxation under Section 5709.04 who provides notice to the Board of Township Trustees that its representatives are present in the Township in accordance with the requirements of this legislation shall complete a form to be filed with the Township. However, said entities are not subject to any of the regulations set forth in this legislation except those requirements set forth in Paragraph #1 of this legislation necessary for said exempt entity to be excepted from the definition of "transient vendor". Representative shall wear a badge while soliciting and shall not be permitted to solicit one-half hour after sunset to sunrise.
- (9) A. Applicant for Transient Vendor Permit: An application for the transient vendor permit is to be completed by the transient vendor applicant. The transient vendor's permit is a form to be issued after approval of said application to the applicant. A badge furnished by the township, displaying the words "Transient Vendor", must be displayed at all times when selling, offering for sale, or soliciting orders for the future delivery of goods within the township.
B. Permit Fee: Every transient vendor shall obtain a permit before engaging in business for the sale of goods or who, on the streets or while traveling about the Township, sells, offers for sale, or solicits orders for the future delivery of goods, and shall pay a fee of seventy five dollars (\$75.00) for the maximum period of ninety (90) consecutive days. The permit shall terminate automatically with the last day for which the fee has been paid.
C. Exceptions: Nothing in these regulations shall apply to persons selling items governed herein for any projects sponsored by the elementary and high schools and/or churches.
- (10) Penalty: Whosoever violates Ohio Revised Code Section 505.94 or any of the regulations set forth herein is guilty of a misdemeanor punishable by a fine up to one hundred fifty dollars (\$150.00). Attached ORC Section 505.99.

BE IT FURTHER RESOLVED THAT the Township Fiscal Officer is hereby directed to publish the attached notice of this resolution and notify the Prosecuting Attorney of Stark County, Ohio, of this amendment to the Transient Vendor legislation by sending them a copy of this Resolution.

BE IT FURTHER RESOLVED THAT this Resolution supersedes any Transient Vendor Legislation adopted prior to this date. **3-0 yes**

ATTACHMENT 3/27/06 F

Pizzino moved and Meeks seconded a motion to set a public hearing on April 10, 2006 at 6:30 p.m. for further discussion and possible action upon the adoption of the Draft Comprehensive Plan. **3-0 yes**

Pizzino stated that although the Comprehensive Plan has not been adopted, the Board has been following the Draft copy on zoning issues. Meeks also pointed out that the Comprehensive Plan is a guide and is subject to change and open for improvement.

Fire Department

Meeks moved and Burger seconded a motion to authorize travel for Gary Martin and Mark Stewart to attend Causality Research & Homeland Security for medics training in Alexandria, VA, May 6-12, 2006. **3-0 yes**

Meeks moved and Burger seconded a motion to authorize travel for Kai Rieger and Scott Morton to Ocala, FL, as members of the Stark County Hazmat Team, to view the hazmat truck being built for Stark County, March 29-31, 2006. **3-0 yes**

ATTACHMENT 3/27/06 G

Meeks moved and Burger seconded a motion to approve the Negotiated Agreement between the Jackson Township Board of Trustees and the Jackson Township Professional Firefighters Local 2280, effective 1/1/06 to 12/31/08. **3-0 yes**

Highway Department

ATTACHMENT 3/27/06 H

Meeks moved and Burger seconded a motion to approve the EPA Phase II NPDES Storm Water Management Annual Report for year ending December 31, 2005 as described in the attached letter. **3-0 yes**

RESOLUTION 06-018, ATTACHED

Meeks moved and Burger seconded a motion to adopt and authorize the placement of the Board's signature upon the attached Memorandum of Understanding with the Health Department. **3-0 yes**

Legal Department

ATTACHMENT 3/27/06 I

Meeks moved and Burger seconded a motion pursuant to ORC Section 309.09(B), to employ and authorize the law firm of Krugliak, Griffith & Dougherty Co. LPA to advise and represent the Board of Trustees of Jackson Township, Stark County, Ohio or any other member or employee thereof in any issues or matter as requested by the Board of Trustees or Law Director including labor negotiation, grievance administration or arbitration hearings, unfair labor practice charges or other personnel issues or matters at the rate of \$125 per hour in accordance with the attached purchase order. **3-0 yes**

Police Department

ATTACHMENT 3/27/06 J

Meeks moved and Burger seconded a motion to accept donations to the “Hooked on Fishing” Program in the total amount of \$7,300.00. **3-0 yes**

1. \$300.00 from Ellis Erb, Inc.
2. \$300.00 from Gastroenterology Specialists
3. \$600.00 from Power Asset Recovery Corporation
4. \$300.00 from Drs. Graham & Henzel Inc.
5. \$400.00 from Connie & David Little
6. \$1,000.00 from VanKay, Inc.
7. \$300.00 from Bruce & Barbara Casper
8. \$600.00 from James Young
9. \$300.00 from John & Elaine Harris
10. \$100.00 from Hammond Construction
11. \$100.00 from Johnson Horticulture Co.
12. \$2,500.00 from WalMart
13. \$500.00 from the Auditor of State

ATTACHMENT 3/27/06 K

Meeks moved and Burger seconded a motion to approve the appropriation transfer request from account code 209.250.5387, Discretionary, to account code 209.250.5363, Hooked on Fishing, in the amount of \$7,300.00. **3-0 yes**

ATTACHMENT 3/27/06 L

Meeks moved and Burger seconded a motion to approve Budget Module No. 06-08, Operations, in the amount of \$160,000.00. **3-0 yes**

ATTACHMENT 3/27/06 M

Meeks moved and Burger seconded a motion to approve the appropriation transfer request from account code 209.250.5965, Transfer #325 – Capital, to account code 209.250.5702, Vehicle Purchase/Lease, in the amount of \$160,000.00. **3-0 yes**

Fiscal Office

ATTACHMENT 3/27/06 N

Meeks moved and Burger seconded a motion to pay the bills in the amount of \$664,763.65. **3-0 yes**

ATTACHMENT 3/27/06 O

Meeks moved and Burger seconded a motion to approve the minutes of the March 13, 2006 Board of Trustees’ meeting. **3-0 yes**

Routine Business

Announcements

- Next regular Board of Trustees meeting, April 10, 2006, 4:00 p.m. Executive Session and/or Work Session, 6:00 p.m., General Session, Township Hall.
- CIC, April 3, 2006, 5:30 p.m., Township Hall.
- LOGIC, April 6, 2006, 9:00 a.m., Safety Center, Chiefs' Conference Room.
- Board of Zoning Appeals, April 13, 2006, 7:00 p.m., Township Hall.
- Zoning Commission, April 20, 2006, 5:00 p.m., Township Hall.
- Citizens Advisory Committees:
 - Community Celebration, April 17, 2006, 6:00 p.m., Township Hall.
 - Park, April 18, 2006, 6:30 p.m., Township Hall.
 - Highway/Traffic, May 17, 2006, 6:30 p.m., Township Hall.

Old Business – None

New Business

Meeks informed the Board that Polymer Packaging will be relocating to Massillon. They had reapplied for tax abatement and had been granted tax abatement in the past. Since the announcement, he has requested information regarding the possibility of collecting some of the previous abatement amounts only because of the relocation. He will be attending the Commissioner's meeting on Thursday, and with the other Board members approval, will impart the information to them.

Burger moved and Meeks seconded a motion to accept a \$25.00 donation to the Fire Department from George and Eileen Eberhart. **3-0 yes**

Burger moved and Meeks seconded a motion to accept a \$1,000.00 sponsorship donation to the Community Celebration from Pumphrey Hamel Insurance. **3-0 yes**

Public Speaks - Open Forum

Paul Biedenbach, 4865 Andette Ave. NW, thanked the Board for their support of the Comprehensive Plan. He wanted to bring to the Board's attention political signs that are not allowing for the 10 foot setback that exist in the zoning regulations. Pizzino asked that he give the locations to Joni Poindexter and those signs would be checked and the regulations enforced.

Burger moved and Pizzino seconded a motion to adjourn.

3-0 yes

At 6:32 p.m., Pizzino re-opened the meeting to discuss the adoption and modification of the letter to the Commissioners. The letter states that the Board wishes to terminate Polymer Packaging's tax abatement and the modification would be to seek reimbursement of the abated money.

Meeks pointed out that Polymer Packaging has been a very good business in the community. They have exceeded all expectations and while they are leaving Jackson Township, they are staying in Stark County so everyone will still receive benefits. He wanted everyone to realize that Polymer Packaging has lived up to their end of the agreement and the only reason for seeking reimbursement is because they are leaving the Township.

ATTACHMENT 3/27/06 P

Meeks moved and Pizzino seconded a motion to adopt, with modification, and authorize the placement of the Board's signatures upon the attached letter to the Board of Stark County Commissioners.

3-0 yes

The Board went back into Executive session at 6:35 p.m. to complete Management Personnel (Appointment/Employment/Compensation).

At 7:30 p.m. Meeks moved and Pizzino seconded a motion to adjourn.

3-0 yes

John Pizzino

Randy Gonzalez