

RECORD OF PROCEEDINGS

MINUTES OF JACKSON TOWNSHIP BOARD OF TRUSTEES MEETING

MAY 22, 2012

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

ATTACHMENT 05/22/11 A

Walters opened the public meeting on the retirant Public Works Labor Specialist being re-employed part time in the same position. Boger told the Board he recommended they re-hire Jerry Valentine on a part-time basis and that the correspondence received regarding the re-hiring be included.

Walters said correspondence was received from Mr. Walter J. Chlysta of Regency Dr. who had some additional questions and indicated his opposition to rehire. He said another letter was received from Mr. Cletus Welch of Golden Eagle Rd. who had a number of questions which the Board will address. He said Mr. Welch also opposed the rehire.

Fitzgerald said the meeting has been duly advertised and asked if anyone else wanted to comment. No one came forward. Walters closed the public meeting on the rehiring.

Work Session

ATTACHMENT 05/22/12 B

Angela Slicker, 7152 Knight Street NW, told the Board she lives on the corner of Sherwood and Knight and that her home and several of her neighbors' homes get flooded when there is a hard rain. She said there are several streets that end at a ditch behind her home which is within inches of coming into her garage. She said it's too close for comfort and it's getting worse every year. She said the culvert under Jackson Street isn't big enough and on the east side of Jackson Street there are a lot of homes which is contributing to the problem. She said the ditch is also full of trees and bushes.

Boger said what Mrs. Slicker has described is accurate. He said he doesn't know what the condition of the pipe under Jackson is but the problem has been building over the years.

Walters asked if this was the Township's jurisdiction. Boger said it was the Stark County Commissioners jurisdiction.

Pizzino said he has been there and the ditch does need to be cleaned out by the County. He said it can't be determined if the township pipe is the correct size because it doesn't appear that the water is flowing. He said Mr. Boger has talked with Mr. Gary Conner.

Mrs. Slicker said Commission Ferguson and Mr. Conner have been out to look at the situation and she was told the funds were not available.

There was some additional discussion as to what the Township could do.

Donald Ivan, Jr., 7172 Knight St. N.W., said he has been there since 1973. He said when the culvert went in at Jackson St., he requested that a bigger one be put in but Mr. Conner said he couldn't, it was as big as he could go.

Mr. Boger said the Township could write a letter to the County Commissioners in support of the residents in that area and the Township could open up the ditch on either side of the Township pipes.

The Trustees told the residents that they would work with the County in trying to get the problem resolved.

Cal Calderon, 7168 Corniche, said he represents the Bentley Court Condo Association. He said he's had similar experiences at other condos he has lived in. He said right now they need to look at moving the water out. He said they have been promised they will start at 12th Street and clean the whole thing. He said the water accumulates in the condo allotment. He said they are building homes in Aberdeen Glen and are bringing clay in by truck and putting it in the area which had been kind of swampy. He said if there is a heavy rain that clay will be washed into the ditch and cause further problems.

Martha Bratt of 7127 Bentley Ct. also said the ditch needs to be cleaned.

Pizzino assured them they would contact the Commissioners and try to get them to do something.

ATTACHMENT 05/22/12 C

Walters told Mr. Mears that he is very happy that Canton has started a marathon and that he thinks it's great for the community.

Mr. Stephen Mears, CEO, Canton Marathon, showed the Board a sample of the medals to be awarded. He gave a brief outline of how the marathon came about and what it's about. He told the Board the full marathon course is a certified Boston qualifier by the U.S. Track and Field Association. He said there are over 700 volunteers staffing the course. He said because of other ambulance services volunteering, they will need fewer of Chief Hogue's EMS crews and probably fewer of Chief Zink's officers. There was some additional discussion on staffing for police and fire.

Walters called the General Session to order at 5:06 p.m., 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 05/22/12 D

Walters moved and Hawke seconded a motion to adopt and authorize the placement of our signatures upon the attached Agreement with Canton Marathon LLC. **3-0 yes**

ATTACHMENT 05/22/12 E

Walters moved and Hawke seconded a motion to adopt and authorize the placement of the Board President's signature upon the attached Memorandum of Agreement with the Stark County Health Department regarding the Mosquito Control Program. **3-0 yes**

ATTACHMENT 05/22/12 F

Walters moved and Pizzino seconded a motion to accept the resignation of Ruthanne Wilkof from the Community Celebration Citizens Advisory Committee. **3-0 yes**

ATTACHMENT 05/22/12 G

Walters moved and Hawke seconded a motion to approve Budget Module 12-8 for Fire Alarm Control Panel in the amount of \$3,500.00. **3-0 yes**

ATTACHMENT 05/22/12 H

Walters moved and Hawke seconded a motion to approve the appropriation transfer request from account code 101.110.5387, Discretionary, to account code 101.110.5760, Building additions/renovations, in the amount of \$3,500.00. **3-0 yes**

Fire Department

ATTACHMENT 05/22/12 I

Walters moved and Hawke seconded a motion to accept the resignation of part-time firefighter/EMT Ronald M. DiFrancesco effective May 8, 2012. **3-0 yes**

ATTACHMENT 05/22/12 J

Walters moved and Hawke seconded a motion to adopt and authorize the placement of the Board President's signature upon the attached Stark County Emergency Notification System (SCENS) Service Agreement. **3-0 yes**

Legal Department

ATTACHMENT 05/22/12 K

Walters moved and Pizzino seconded a motion not to request a hearing on the liquor license to Smruti One Inc., dba CD Food Mart, 3525 Wales Ave. N.W., Massillon, OH 44646. **3-0 yes**

Police Department

ATTACHMENT 05/22/12 L

Walters moved and Hawke seconded a motion to adopt and authorize the placement of our signatures on the attached Agreement with Mahoning County to sell two used 2008 Ford Crown Victoria's. **3-0 yes**

Walters moved and Hawke seconded a motion to accept donations to the Hooked on Fishing, Not on Drugs Program:

1. \$100.00 from Giant Eagle
2. \$250.00 from P.A.T.T. Jackson Middle School
3. \$1,000.00 from Kames Sports.

3-0 yes

ATTACHMENT 05/22/12 M

Walters moved and Hawke seconded a motion to approve the appropriation transfer request from account code 232.250.5363, HOF – Twp. Trust., to account code 232.250.5364, Drug Education/Twp. Trust., in the amount of \$5,000.00 and from account code 209.250.5387, Discretionary, to account code 209.250.5363, Hooked on Fishing, in the amount of \$1,350.00.

3-0 yes

RESOLUTION 12-037, ATTACHED SERGEANT PROMOTION ELIGIBILITY LIST

Walters moved and Hawke 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, effective June 1, 2012. **3-0 yes**

Public Works Department

Park

Walters moved and Hawke seconded a motion to accept sponsorship donations to the 2012 Community Celebration:

1. \$100.00 from Preferred Temporary Service, Inc.
2. \$250.00 from Truck Sales & Service, Inc.
3. \$500.00 from Gaslite Villa Convalescent Center, Inc.

3-0 yes

ATTACHMENT 05/22/12 N

Walters moved and Hawke seconded a motion to adopt and authorize the placement of the Board President's signature upon the attached Agreement with Jimmy & the Soul Blazers. **3-0 yes**

Highway Department

ATTACHMENT 05/22/12 O

Pizzino moved and Walters seconded a motion to approve the appropriation transfer request from account code 205.310.5387, Discretionary, to account code 205.310.5652, Equipment Purchase, in the amount of \$6,450.00. **3-0 yes**

ATTACHMENT 05/22/12 P

Pizzino moved and Walters seconded a motion to approve Budget Module 2012-35-A for Equipment for New One-Ton Truck in the amount of \$6,450.00. **3-0 yes**

Zoning & Planning Department

RESOLUTION 12-038, ATTACHED

NOXIOUS WEEDS – 6414 WOODMOOR AVENUE N.W., LAKE CABLE SECTION L, LOT 604, PARCEL NO. 16-06183, JACKSON TOWNSHIP, OHIO

Walters moved and Pizzino 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 Edward Whiteman, in Jackson Township described as follows: 6414 Woodmoor Avenue NW, Lake Cable Section L, Lot 604, Parcel No. 16-06183, Jackson Township, Ohio.

Be it resolved that said Edward Whiteman, whose tax mailing address is Core Logic, 2500 Westfield Dr., Ste. 102, Elgin, IL 60124, 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 October 31, 2012. 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 per lot or parcel. As stated in our prior courtesy letter to you, pursuant to ORC Sections 5579.06 and 5579.07, a \$150.00 administrative fee per lot or parcel will be placed on your tax duplicate. **3-0 yes**

RESOLUTION 12-039, ATTACHED

NOXIOUS WEEDS – 9182 RUBY RIDGE STREET NW, EMERALD ESTATES 1, LOT 39, PARCEL NO. 16-26664, JACKSON TOWNSHIP, OHIO

Walters moved and Pizzino 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 Kim R. Abel, Trustee, in Jackson Township described as follows: 9182 Ruby Ridge Street NW, Emerald Estates 1, Lot 39, Parcel No. 16-26664, Jackson Township, Ohio.

Be it resolved that said Kim R. Abel, Trustee, whose tax mailing address is BAC Tax Services Corp, 2375 N. Glenville Dr. TX2975 02 01, Richardson, TX 75082, 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 October 31, 2012. 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 per lot or parcel.

As stated in our prior courtesy letter to you, pursuant to ORC Sections 5579.06 and 5579.07, a \$150.00 administrative fee per lot or parcel will be placed on your tax duplicate. **3-0 yes**

RESOLUTION 12-040, ATTACHED

NOXIOUS WEEDS – 400 LEECREST STREET NW, BLAUMEISER TRACT, LOT 12, PARCEL NO. 16-03455, JACKSON TOWNSHIP, OHIO

Walters moved and Pizzino 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 Fred D. Burleson, in Jackson Township described as follows: 400 Leecrest Street NW, Blaumeiser Tract, Lot 12, Parcel No. 16-03455, Jackson Township, Ohio.

Be it resolved that said Fred D. Burleson, whose tax mailing address is Huntington National Bank, 2361 Morse Road, Columbus, OH 43229,, 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 October 31, 2012. 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 per lot or parcel. As stated in our prior courtesy letter to you, pursuant to ORC Sections 5579.06 and 5579.07, a \$150.00 administrative fee per lot or parcel will be placed on your tax duplicate. **3-0 yes**

Fiscal Office

ATTACHMENT 05/22/12 Q

Pizzino moved and Walters seconded a motion to pay the bills in the amount of \$465,570.68.

3-0 yes

ATTACHMENT 05/22/12 R

Walters moved and Hawke seconded a motion to approve the minutes of the May 8, 2012 Board of Trustees' meeting.

3-0 yes

Routine Business

Announcements

- Next regular Board of Trustees meeting, June 12, 2012, 4:00 p.m., Executive Session and/or Work Session; 5:00 p.m., General Session, Township Hall.
- LOGIC, June 7, 2012, 9:00 a.m., Jackson Safety Center, Chiefs' Conference Room.
- CIC Subcommittee, July 10, 2012, 8:30 a.m., Township Hall.
- Board of Zoning Appeals, June 14, 2012, 5:30 p.m., Township Hall.

- Citizens Advisory Committees:
 - Community Celebration, June 13, 2012, 5:30 p.m., Township Hall.
 - Park, August 8, 2012, 6:30 p.m., Township Hall.
 - Highway/Traffic, November 7, 2012, 6:30 p.m., Township Hall.
- Friends of the Park, June 13, 2012, 6:30 p.m., Township Hall.
- Field of Honor, Field of Heroes, Memorial Day Weekend, May 25-28, 2012, Jackson Township Safety Center.
- Safety Village, June 18-22, 2012, Sauder Elementary School, 8:45 a.m. – 12:00 noon. Registration forms at Safety Center. Deadline to register is Friday May 25, 2012.
- Farmers Market, Thursdays, June 14 – September 27, 2012, 3:00 – 6:30 p.m., Jackson North Park. (No market June 28 due to Community Celebration.)
- Jackson Community Celebration, June 27-30, 2012, North Park. Great Food, Amusement Rides, Inflatables, Games, Children’s activities, Entertainment, 5K Night-Glo Run, Celebration of Strength, Fireworks on Saturday night. Admission is free.

Old Business

Gonzalez told the Board he met with the people who will be doing the investment audit. He told the Board it would take about a month to complete.

New Business - None

At 5:20 p.m., Boger opened the bids for the curbing project. Bids were received from the following companies.

Spano Brothers Construction	\$240,192.27
Lockhart Concrete Co.	\$282,690.00
Tony Zumbo & Son Construction	\$254,232.54
TR Snyder Construction Inc.	\$239,815.35

Zoning & Planning Department

ATTACHMENT 05/22/12 S

The 5:30 p.m. public hearing for nuisance violations at 6843 Highmill NW was cancelled because the nuisance was abated.

Public Speaks – Open Forum

ATTACHMENT 05/22/12 T

Teresa Ponchak, 1150 Concord NW, said she was here to discuss zoning laws regarding agricultural animals in residential areas. She said she and the people in attendance with her are against the fact that they have 18 pigs living in a residential neighborhood on an approximately one acre lot. She said they are concerned about the noise, odor, and the increase in the fly population. She said they have neighbors who are on ground water and they are concerned about that. She said she wasn't clear on agricultural use and asked for an explanation.

Poindexter explained said they have to follow what is in the Ohio Revised Code and part of that says "except as otherwise provided in division (B) of this section, sections 519.02 to 519.25 of the Revised Code confer no power on any township zoning commission, board of township trustees, or board of zoning appeals to prohibit the use of any land for agricultural purposes or the construction or use of buildings or structures incident to the use for agricultural purposes of the land on which such buildings or structures are located, including buildings or structures that are used primarily for venting and selling wine and that are located on land any part of which is used for viticulture, and no zoning certificate shall be required for any such building or structure." She said under Division B it says "a township zoning resolution, or an amendment to such resolution, may in any platted subdivision approved under section 711.05, 711.09, or 711.10 of the Revised Code, or in an area consisting of fifteen or more lots approved under section 711.131 of the Revised Code that are contiguous to one another, or some of which are contiguous to one another and adjacent to one side of a dedicated public road, and the balance of which are contiguous to one another and adjacent to the opposite side of the same dedicated public road regulate: (1) Agriculture on lots of one acre or less (2) Buildings or structures incident to the use of land for agricultural purposes on lots greater than one acre but not greater than five acres by: set back building lines; height; and size. She said the regulations in the zoning resolution under section 302.6 say that "on lots of one acre or less a minimum of 50 foot set back from all property lines is required but on lots of 1 acre but not greater than 5 acres, all buildings or structures, including fences, incidental to the use of land for agricultural purposes shall comply with the required building set back lines, height, and size regulations for accessory structures applicable for that district." She said the regulations are a 10 foot side yard set back and a 15 foot rear set back. She said as long as all fences, buildings or anything to do with the animals meets the 10 foot side and the 15 foot rear set back, there is no violation. She said they have inspected the property and there are no violations. She also said the Health Department has inspected it and found no violations.

Ms. Ponchak said that under State law it says "after 35% of the lots are so developed dairy, animal, and poultry husbandry shall be considered non-conforming use of the land, buildings, or structures." She asked what that means.

Poindexter told her that means if they are closer to the property lines they can remain as is. She said if it was right up to the property line, it could remain.

Fitzgerald explained the meaning of non-conformance.

Ms. Ponchak asked several questions regarding tax rates for agricultural use. Fitzgerald explained that the tax rates would be up to the County Auditor's office. Ms. Ponchak asked how to change the zoning laws in Jackson Township. Walters told her the statute would have to be changed. She asked if there was any recourse for them other than changing the state law. Walters said circumstances like this are one of the most frustrating parts of being a Trustee because they didn't have the authority to address the problem because the State law doesn't give them the authority. Ms. Ponchak said they have contacted Senator Oeslager's and Representative Schuring's offices.

Walters said it was frustrating for the trustees to have to tell her she needs to go to someone else. She said they just wanted to go through the proper protocol.

Scott Spangler of 1128 Concord Street said he is the person they are complaining about. He asked if he was in compliance with everything. He also asked if anyone else has been out to look at the property. Pizzino said he went out but was not allowed to look around. Mr. Spangler said everyone is talking about property values but his property tax went up in January. He asked what he is to do.

Poindexter told him he is not in violation of anything. She said if he was concerned about trespassers, he should call the police.

Mr. Spangler said he researched everything before he got the pigs. He said he's frustrated but they do maintain the property. He asked what his next course of action should be.

ATTACHMENT 05/22/12 U

At 5:46 p.m., Walters opened the public hearing for zoning amendment 595-12, text amendments. Poindexter told the Board these changes were initiated by the Zoning Commission in April and went back to the Zoning Commission on May 17. She said they went to Regional Planning on May 8 and Regional Planning recommended approval of a modification.

Walters asked if anyone would like to speak in favor of the text amendments. No one came forward. He then closed that portion of the hearing. He asked if anyone would like to speak against the text amendments. No one came forward. He closed that portion of the hearing.

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

Walters called a recess.

ATTACHMENT 05/22/12 V

At 6:00 p.m., Walters opened the public hearing for revision to previously approved Glenmoor PUD Site Plan, to change the number of lots along Hollyhock from six lots to ten lots.

Walters asked if anyone wanted to speak in favor of the change.

Barb Bennett with Hammontree Engineers & Surveyors, 5233 Stoneham Rd., North Canton, said this is the last phase of Glenmoor. She said there was a question regarding the density that was there now. She showed a map that depicted the open spacing, some of the multi-family and condominium areas and the single family areas. She said by the PUD they were permitted 8 units per acre and after everything has been calculated the conditions at the site, which includes the 10 lots they are asked for, it comes out to less than one unit per acre. She said that for the PUD revision they are asking for, they are well below the threshold of allowable density.

Pizzino gave a brief history of some of the revisions that have been requested for the other trustees. There was some additional discussion.

Brian Burkhart with Hammontree & Associates explained why the plan sent to Regional Planning included Joni Poindexter's signature with an earlier date. He said the original print was on mylar and the signature being left on was an oversight on their part and that was why he added the line below it for the current signature and date.

Walters asked if anyone else wanted to speak in favor of the amendment. No one came forward. He then asked if anyone wanted to speak against the amendment. No one came forward. Walters closed that portion of the hearing.

There were some questions from the Trustees that the Hammontree representatives answered.

Pizzino moved and Hawke seconded a motion to approve the changes to the Glenmoor PUD Site Plan from 6 lots to 10 lots along Hollyhock NW. **3-0 yes**

Old Business

Funding/Levy

ATTACHMENT 05/22/12 W

Walters reminded everyone that the Park Department has been funded from Estate Taxes in the past but that is being phased out. He reviewed some of the changes that have been made. He then reviewed some of the solutions that have been discussed.

Walters said his suggestion would be to allow the Road Levy expire at the end of 2013. He said in its stead put a levy on the ballot that would fund the roads and the parks. He said they would have the same number of levies, but one would be for the public works department, not just roads.

Gonzalez said he agreed that they should be combined. He said every time there is a levy on the ballot it costs us money and the idea of keeping only three levies is wise.

Hawke said he also agreed. Pizzino asked if it should be a general fund levy. Fitzgerald said it's called a current expense levy. There was additional discussion on the number of years and the amount of the levy.

Walters moved and Hawke seconded a motion to authorize the preparation of a current expense levy resolution to the County Auditor requesting a return on a 2.2 mil levy for 5 years, current tax year starting 2013, to replace the current road levy and provide funding for the parks. **3-0 yes**

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

James Walters

Randy Gonzalez