

RECORD OF PROCEEDINGS

MINUTES OF JACKSON TOWNSHIP BOARD OF TRUSTEES MEETING

MAY 28, 2019

Hawke called the meeting to order at 4:02 p.m. at the Jackson Township Hall with all Trustees, Fiscal Officer, Vaccaro, Brink, Bissler, Poindexter and Hogue present.

Work Session

ATTACHMENT 05/28/19 A

Lorraine M. Rader, Manager of Government Aggregation for FirstEnergy Solutions presented the current electric aggregation contract with Jackson Township. She said the contract has been in effect for the last 8 ½ years and is up for renewal at the end of the year. She said currently the Township has a contract with FirstEnergy for people who live in Ohio Edison territory and another contract for people who live in American Electric Power territory. She said this contract is only for the Ohio Edison territory and once this one is in place, the next one will be the AEP one and then the two will be aligned and they will both be for the same time period.

Vaccaro asked if the proposed contract will be of a shorter duration.

Ms. Rader said it will be a three-year contract while the current contract is for nine years. She said the Ohio Edison contract will be a little shorter and the AEP contract will be a little longer. She said the price for residential is 6% off Ohio Edison's price and 4% off Ohio Edison's price for small commercial customers. She said the mailing would go to customers in October for December renewal and there would be 21 days to decide to stay in or opt out. She said there will be an incentive to the Township but she didn't have the information with her. She said it would be smaller than previously since it is a three-year agreement but it amounts to approximately \$5.00 per enrolled customer per year.

Gonzalez said the concern he had was they ran into a problem last time. He said if the customer was getting service from a different company the bills were charging for both electric companies. He said it looked like the customer was late on their payment when it wasn't late.

Ms. Rader said that may have been only on the American Electric Power portion of the bill and that can be addressed when that comes up. She said these letters would only be mailed to the Ohio Edison customers.

Hawke moved and Pizzino seconded a motion to go into Executive Session for Fire Department Personnel (Appointment/Employment/Compensation) – Interview Part-time Firefighter/EMT Candidates. **3-0 yes**

Hawke moved and Walters seconded a motion to go into Executive Session for Police Department Personnel (Appointment/Employment/Compensation) – School Safety Officer Employment Contract. **3-0 yes**

Hawke moved and Pizzino seconded a motion to go into Executive Session for Police Department Personnel (Appointment/Employment/Compensation) – Part-time Public Information Officer Position. **3-0 yes**

Hawke moved and Walters seconded a motion to go into Executive Session for Police Department Personnel (Appointment/Employment/Compensation) – Part-time Patrol Officers. **3-0 yes**

Upon return from Executive Session at 5:23 p.m., Hawke called the General Session to order with all department heads present. He requested that all cell phones be turned off at this time.

The Pledge of Allegiance was recited.

Public Speaks

William Green, Superintendent of the Stark County Board of Developmental Disabilities, 9345 Paulding St. N.W., Massillon, Ohio 44646, said he came to speak about the work that the Stark County Board of Developmental Disabilities does on behalf of the 3900 people supported in the County and the 800 people supported in Jackson Township. He said their vision is that each person with a disability will be fully included in the community. He said there are still barriers that people with disabilities still face. He said they are providing extra effort to get the word out about the people they support and what they can bring to the communities across Stark County. He said each year they support 700 families that have an infant with a disability. He said this work takes place in the family home. He said each year they provide preschool and school age support to 180 students that have intense and complex needs, they fund the services and support for 1600 people so they can live, work and play in the communities. He said once funding is provided to a person that funding is for their lifetime. He said they fund services, plan and coordinate each person's life plan. He said they work with 115 private agencies and 200 independent providers and monitor them to be sure they have what they want and need. He said they work with the Sheriff's office and Jackson Township Police to investigate all allegations of abuse and neglect. He said they provide vital services and high quality support to a steadily increasing number of people throughout their lifetime. He said they are serving 30% more people now than a decade ago. He said they want every person with developmental disabilities to not only have a good life, but to have a great life. He thanked the Board for their time and their public service.

Fire Department

Hogue administered the oath of office. A short recess was taken to allow time for pictures.

RESOLUTION 19-121, ATTACHED

FIRE DEPARTMENT CAPTAIN ACCEPTANCE OF OATH

Hawke moved and Walters seconded a motion that we hereby accept the attached oath of office for Jason D. Robinson, Full-time Fire Department Captain for the Jackson Township Fire Department, Stark County, Ohio, effective May 15, 2019 at 0800 hours. **3-0 yes**

ATTACHMENT 05/28/19 B

Hawke moved and Walter seconded a motion to accept the attached resignation from part-time Firefighter/EMT-A, Hunter Johnston, effective May 29, 2019 at 08:00 hours. **3-0 yes**

Hawke moved and Pizzino seconded a motion to accept a donation of \$200.00 from the Fraternal Order of Eagles, Auxiliary #2223. **3-0 yes**

**RESOLUTION 19-122, ATTACHED
CONDITIONAL PART-TIME FIREFIGHTER/EMT-A HIRING**

Hawke moved and Pizzino seconded a motion pursuant to the Part time Firefighter hiring policy and authority granted in ORC Section 505.38 “to provide for the employment of firefighters as it considers best”, we hereby appoint the attached listed persons to the position of part-time firefighter/EMT-A, conditioned on their successful completion of required physical and psychological examinations and negative drug test. **3-0 yes**

**RESOLUTION 19-123, ATTACHED
FIRE DEPARTMENT CUSTOM PUMPER CHANGE ORDER**

Hawke moved and Walters seconded a motion whereas, on January 8, 2019, 2018 the Board of Trustees, in accordance with Resolution No. 19-013, authorized the purchase of a 2019 Sutphen Custom Pumper in the amount of \$478,711.00.

Be it resolved that we hereby adopt and authorize the placement of the Board President’s signature upon the attached Change order for said vehicle in the amount of \$4,358.95. **3-0 yes**

**RESOLUTION 19-124, ATTACHED
FIRE DEPARTMENT CUSTOM RESCUE ENGING CHANGE ORDER**

Hawke moved and Walters seconded a motion whereas, on November 27, 2018 the Board of Trustees, in accordance with Resolution No. 18-226, authorized the purchase of a 2019 Sutphen Custom Pumper in the amount of \$483,711.00.

Be it resolved that we hereby adopt and authorize the placement of the Board President’s signature upon the attached Change order for said vehicle in the amount of \$4,358.95. **3-0 yes**

Police Department

ATTACHMENT 05/28/19 C

Hawke moved and Walters seconded a motion to accept the attached resignation from School Safety Officer, Danny Sturia, effective May 31, 2019 at 08:00 hours. **3-0 yes**

ATTACHMENT 05/28/19 D

Hawke moved and Pizzino seconded a motion to approve the appropriation transfer request from account code 209.250.5387, Discretionary, to account code 209.250.5446, Medical, in the amount of \$1,800.00. **3-0 yes**

Hawke moved and Walters seconded a motion to accept a donation of \$50.00 from William and Kathleen Malinowski. **3-0 yes**

Administration Department

**RESOLUTION 19-125, ATTACHED
HEALTH INSURANCE CONSULTANT**

Hawke moved and Walters seconded a motion that we hereby adopt and authorize the placement of the Board Member's signatures upon the attached Agreement with Michael Marino representing Hammersmith Insurance Agency, effective July 1, 2019. **3-0 yes**

**RESOLUTION 19-126, ATTACHED
JOBS & COMMERCE ECONOMIC DEVELOPMENT AGREEMENT FIRST
ADDENDUM**

Hawke moved and Pizzino seconded a motion whereas, on October 29, 2018, the original Jobs & Commerce Agreement was signed with the State of Ohio, acting through the Ohio Department of Transportation.

Be it resolved that we hereby adopt and authorize the retroactive placement of the Fiscal Officer's signature upon the attached First Addendum to the Jobs & Commerce Economic Development Agreement. **3-0 yes**

**RESOLUTION 19-127, ATTACHED
AED PURCHASE**

Hawke moved and Pizzino seconded a motion that we hereby adopt and authorize the purchase of four (4) Phillips HeartStart OnSite Defibrillators and related equipment for a total contract price of \$4,000.00. **3-0 yes**

ATTACHMENT 05/28/19 E

Hawke moved and Walters seconded a motion to authorize the hiring of one (1) new Leased Administration Worker, as attached, through a temporary service, subject to a negative drug screen, at the rate and start date identified in the attached memorandum from Seifert Associates, Inc. **3-0 yes**

Legal Department

**RESOLUTION 19-128, ATTACHED
BUSINESS DEVELOPMENT PROGRAM (BDP)**

Hawke moved and Pizzino seconded a motion whereas, the Trustees consider business development to be of critical importance to the Township, including encouraging businesses to relocate to, and existing businesses to reinvest in, the Township:

Whereas, in concert with the Jackson Community Improvement Corporation, the Trustees have created the Business Development Program to grant funds to eligible businesses to encourage business development; and

Whereas, the Jackson Community Improvement Corporation will create a Grant Review Committee to administer the Business Development Program on behalf of the Trustees.

Be it resolved by the Jackson Township Board of Trustees:

1. We hereby adopt the attached Business Development Program Rules and Procedures and the Scoring Criteria included therein and the attached Business Development Program Application.
2. We hereby appoint the Jackson Community Improvement Corporation and the Grant Review Committee thereof to administer the Business Development Program on our behalf including, but not limited to, review of Applications, verification of applicant eligibility and issuance of grant recommendations, in accordance with the Business Development Program Rules and Procedures as the same are modified by us from time to time.
3. We reserve the right to determine the level of funding for the Business Development Program. **3-0 yes**

**RESOLUTION 19-129, ATTACHED
JEDD 19-002 CONTRACT JOINT PUBLIC HEARING**

Hawke moved and Walters seconded a motion whereas, Ohio Revised Code Section 715.72 specifically authorizes the Board of Trustees of Jackson Township to enter into a Joint Economic Development District Contract (JEDD Contract) with the City of Canton; and

Be it resolved that the Board of Trustees of Jackson Township and the City of Canton shall hold jointly a public hearing on the 9th day of July, 2019 at 5:00 p.m. at the Jackson Township Administration Building, 5735 Wales Avenue NW, Massillon, Ohio 44646 after providing 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 Jackson Township Fiscal Officer and the City Clerk of Council shall make available for public inspection copies of the attached proposed JEDD 19-002 Contract creating the district and:

- A. A description of the area or areas to be included in the district, including a map in sufficient detail to denote the specific boundaries of the area or areas and to indicate any zoning restrictions applicable to the area or areas.
- B. An economic development plan for the district that consists of both of the following schedules:
 - (1) A schedule for the provision of the new, expanded, or additional services, facilities, or improvements described in division (F)(3) of section 715.72 of the Revised Code;
 - (2) A schedule for the collection of an income tax levied under division (F)(2) of section 715.72 of the Revised Code.

Be it further resolved that the Fiscal Officer publish the attached newspaper notice. **3-0 yes**

Gonzalez thanked the Board and Mr. Fitzsimmons for the work that has gone into these.

Public Works Department

Highway Division

RESOLUTION 19-130, ATTACHED

KECK PARK CIRCLE NW / SR 241 PROJECT

Hawke moved and Pizzino seconded a motion that we hereby authorize the attached Advertisement for Bids for Keck Park Circle NW / SR 241 Project in accordance with the Specifications on file.

3-0 yes

ATTACHMENT 05/28/19 F

Hawke moved and Walters seconded a motion to approve Budget Module 2019-31 for Light Towers in the amount of \$10,307.00.

3-0 yes

ATTACHMENT 05/28/19 G

Hawke moved and Walters seconded a motion to approve the appropriation transfer request from account code 204.310.5387, Discretionary, to account code 204.310.5502, Misc. Tools, Supplies, in the amount of \$10,307.00.

3-0 yes

ATTACHMENT 05/28/19 H

Hawke moved and Pizzino seconded a motion to authorize temporary road closures for the 2019 Community Celebration 5K Run and to authorize temporary closure of the yard debris site in accordance with the attached memorandum from the Public Works Director.

3-0 yes

Park Division

Hawke moved and Pizzino seconded a motion to accept the following sponsorship donations to the 2019 Community Celebration:

1. \$250.00 from Combi Packaging Systems LLC
2. \$100.00 from Edward Jones.

3-0 yes

Hawke moved and Pizzino seconded a motion to accept a donation of \$500.00 from Ohio High School Athletic Association.

3-0 yes

Zoning & Planning Department

RESOLUTION 19-131, ATTACHED

INITIATION OF ZONING TEXT AMENDMENT

Hawke moved and Pizzino seconded a motion whereas, the Jackson Township Board of Trustees from time-to-time receive recommendations for text amendments to the Jackson Township Zoning Resolution.

Whereas, the Jackson Township Board of Trustees having reviewed the attached text changes and believe the recommendations deserve consideration by the Jackson Township Zoning Commission.

Be it resolved that, pursuant to ORC 519.12(A)(1), we authorize the Zoning Inspector, as the Board of Trustees' designee, to file an application with the Jackson Township Zoning Commission initiating a text amendment to the Jackson Township Zoning Resolution. Associated fees are hereby waived. **3-0 yes**

Gonzalez asked if this incorporates compliance with the State law of not sending these to RPC. Poindexter said that is correct.

Hawke moved and Pizzino seconded a motion to set a public hearing on June 25, 2019, at 5:00 p.m., for a nuisance violation at 4734 Meadowview Drive NW, Jackson. Township. **3-0 yes**

Hawke moved and Pizzino seconded a motion to set a public hearing on June 25, 2019, at 5:00 p.m., for a nuisance violation at 7336 Klingston Street NW, Jackson Township. **3-0 yes**

Hawke moved and Walters seconded a motion to set a public hearing for Zoning Amendment 636-19 on June 25, 2019, at 5:00 p.m. DeVille Developments, LLC, 3951 Convenience Circle NW, Ste 301, Canton, Ohio 44718 requests to rezone B-1 Suburban Office and Limited Business District to B-3 Commercial Business District, approximately 1.01 acres located on the south side of Fulton Dr., NW and approximately 1,000 feet, more or less, west of the southwest corner of Fulton Dr., NW and Dressler Rd. NW. **3-0 yes**

Continuance of public hearing on nuisance violations at 5189 Sherlin Avenue NW, Jackson Township.

Poindexter gave photos of the property that were taken on May 28 to the Trustees. Vaccaro said there has been no communication from the property management company.

Vaccaro said if the Board declares the nuisance, the resident is given a seven-day notice to clear the site, and then the Township goes in and clears out whatever has not been done. Vaccaro said that only Fanny Mae is legally required to be notified but it will be posted to that address. Vaccaro pointed out that there is no legal obligation to serve the resident. Vaccaro said there is also the possibility of a recurrence of the issue.

RESOLUTION 19-135, ATTACHED

NUISANCE HEARING FOR 5189 SHERLIN AVE., NW, MASSILLON, OH 44646

Hawke moved and Walters seconded a motion whereas, on March 1, 2019, the attached nuisance report was filed by the Zoning Inspector for property located at 5189 Sherlin Ave., NW, Massillon, OH 44646, which was owned by Steven B. Larsen, and which said property is a single-family residence. The real estate was foreclosed upon, and Federal National Mortgage Association is the owner of parcel #16-20009, commonly known as 5189 Sherlin Ave., NW, Massillon, OH 44646.

Whereas, Steven B. Larsen was provided notice (April 15, 2019) of the April 23, 2019 hearing to include a copy of the March 1, 2019 nuisance report. Federal National Mortgage Association was provided notice (April 2, 2019) of the April 23, 2019 hearing to include a copy of the March 1, 2019 nuisance report.

Whereas, the Board of Trustees of Jackson Township, Stark County, Ohio, held a hearing on April 23, 2019 at which Steven B. Larsen appeared and was heard. The Board of Trustees of Jackson Township continued the hearing to May 14, 2019. Notice of the April 23, 2019 was perfected upon Federal National Mortgage Association by US Mail certified with return of green card. Federal National Mortgage Association contacted the Township's Zoning Inspector via electronic mail.

Whereas, the attached November 15, 1989 (amended April 25, 2011) Nuisance Legislation is incorporated herein.

Be it resolved that we hereby find that there is a large amount of garbage, refuse and in particular other debris scattered through the front, side and back yards to include, but not limited to, discarded wooden pieces, household items, plastic chairs, several plastic items and hand tools which violate the community standard for a single family residential within the meaning of the Refuse/Debris List contained in the attached November 15, 1989 Nuisance Legislation (amended April 25, 2011).

Be it further resolved that the piling of the material as described in the preceding paragraph obstructs the reasonable and comfortable use of surrounding properties in that:

1. The Jackson Board of Trustees having taken into account all the facts presented and the surrounding circumstances, marks the photographs and written report of the Zoning Inspector as Exhibits A and B, respectively.
2. Taking into account the property owner's interest in the free use of his land, the refuse, garbage and debris found on the property violates the average property owner's sensitivities of the community standard for the area.
3. The Jackson Board of Trustees declares and finds a Nuisance exists within the meaning of the attached November 15, 1989, Nuisance Legislation (amended April 25, 2011) and Ohio Revised Code 505.87, at 5189 Sherlin Ave., NW, Massillon, OH 44646 (Stark County Parcel No. 16-20009, which is owned by Federal National Mortgage Association.
4. The Jackson Board of Trustees declares and finds service was perfected upon all interested parties.

Be it further resolved that the Law Director has obtained a report of the owners of record or holders of legal or equitable liens of record upon the real estate.

Be it further resolved that the attached notice to abate the nuisance shall be sent by certified mail to Federal National Mortgage Association. **3-0 yes**

**RESOLUTION 19-132, ATTACHED
NOXIOUS WEEDS-6591 SYLVIAN STREET NW, LOTS 22, 23, AND 24 IN PORTAGE
ESTATES, PARCEL NO. 16-03773, OHIO.**

Hawke 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 Ekaterina Whitmyer in Jackson Township described as follows 6591 Sylvian Street NW, Lots 22, 23, and 24 in Portage Estates, Parcel No. 16-03773, Jackson Township, Ohio.

Be it resolved that said Ekaterina Whitmyer, whose tax mailing address is Ekaterina Whitmyer, 6591, Sylvian Street NW, North Canton, OH 44720, 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, 2019. 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 19-133, ATTACHED
NOXIOUS WEEDS – 7891 OAKDALE STREET NW, LOT 94 IN OAKDALE ALLOTMENT, PARCEL NO. 16-02663, OHIO.**

Hawke moved and Walters 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 Shad & Christy Tallman in Jackson Township described as follows 7891 Oakdale Street NW, Lot 94 in Oakdale Allotment, Parcel No. 16-02663, Jackson Township, Ohio.

Be it resolved that said Shad & Christy Tallman, 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, 2019. 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 19-134, ATTACHED
NOXIOUS WEEDS – 6525 HILLS AND DALES ROAD NW, PARCEL NOS. 16-30431 AND 16-30433, JACKSON TOWNSHIP, OHIO.**

Hawke 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 Hannan Cleaner Properties, LLC in Jackson Township described as follows 6525 Hills and Dales Road NW, Parcel Nos. 16-30431 and 16-30433, Jackson Township, Ohio.

Be it resolved that said Hannan Cleaner Properties, LLC, whose tax mailing address is Hannan Cleaner Properties, LLC, 6525 Hills and Dales Road NW, Canton, OH 44708, 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, 2019. 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 05/28/19 I

Hawke moved and Walters seconded a motion to pay the bills in the amount of \$616,235.12.

3-0 yes

ATTACHMENT 05/28/19 J

Hawke moved and Pizzino seconded a motion to approve the minutes of the May 14, 2019 Board of Trustees' meeting.

3-0 yes

Routine Business

Announcements

- Next regular Board of Trustees' meeting, June 25, 2019, 4:00 p.m., Executive Session and/or Work Session; 5:00 p.m., General Session, Township Hall.
- CIC, August 5, 2019, 8:00 a.m., Jackson Township Hall.
- LOGIC, June 6, 2019, 9:00 a.m., Safety Center Chiefs' Conference Room.
- Zoning Meetings:
 - Board of Zoning Appeals – None Scheduled.
 - Zoning Commission – June 20, 2019.
- Jackson Recycling Board, June 26, 2019, 11:00 a.m., Buehler's Community Room.
- Movie in the Park, "Hotel Transylvania 3", Friday, May 31, 2019, Jackson North Park.
- Safety Village, June 10 – June 13, 2019, Sauder Elementary School, 8:45 a.m. – 12 noon, pick up forms at the Safety Center, registration deadline is May 31, 2019.

Old Business – None

New Business – None

Public Speaks – Open Forum

No one came forward.

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

The general session was closed to open the Records Commission Meeting.

Upon return from Executive Session at 6:46 p.m., Hawke called the General Session back to order.

Public Works Department

Park Division

**RESOLUTION 19-120, ATTACHED
PARK MAINTENANCE AND GROUNDS FOREMAN**

Hawke moved and Pizzino seconded a motion pursuant to ORC Section 511.10, we hereby approve and adopt the attached revised job description for the Park Maintenance and Grounds Foreman, David Ruwadi, at the compensation rate of \$29.2021 per hour, effective May 25, 2019, with the benefits of a Class B employee as described in the Benefit Package for Management Personnel. **3-0 yes**

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

Todd Hawke

Randy Gonzalez