

RECORD OF PROCEEDINGS

MINUTES OF JACKSON TOWNSHIP TRUSTEES MEETING

NOVEMBER 14, 2005

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

Pizzino moved and Meeks seconded a motion to go into Executive Session for Fire and Police Department Personnel (Review Negotiations). **3-0 yes**

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

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

Upon return from Executive Session, Burger opened the Work Session at 5:00 p.m.

ATTACHMENT 11/14/05 A

Aletha Magyaros from the Zoning Commission presented the proposed R/T District Language changes including a name change to R/T Campus District and a more narrow definition of the type of businesses to be allowed. There was additional discussion on lot size, building height, landscaping and signage. The Trustees thanked the Commission members for attending the meeting and for their good work.

ATTACHMENT 11/14/05 B

Mike Rekstis of M-E Companies presented the Board with an update on the Fulton/Wales Intersection Project. A third set of site plans have been submitted to ODOT for their approval. Applications have been filed for OPWC funding and for Federal HSP (Safety) funds.

At 6:00 p.m., Burger called the General Session to order with all department heads present except Boger who was represented by Jerry Valentine. Burger requested that all cell phones and pagers be turned off at this time.

The Pledge of Allegiance was recited.

Public Speaks – None

Police Department

RESOLUTION 05-094, ATTACHED

Burger moved and Meeks seconded a motion that, pursuant to ORC Section 505.49 and 509.01, Eddie M. Watson, Ryan K. Robinson and Carol A. Wydra are hereby appointed to the position of Full Time Patrol Officers and Police Constables for the Jackson Township Police District, Stark

County, Ohio, effective November 15, 2005 at 0800, 0801 and 0802 respectively, at the compensation rate and benefits contained in the Negotiated Agreement and we hereby accept the attached Oaths of Office. **3-0 yes**

RESOLUTION 05-095, ATTACHED

Pizzino moved and Meeks seconded a motion to adopt and authorize the placement of the Board President's signature on the attached OVI Task Force Contract and Memorandum of Understanding. **3-0 yes**

Fire Department

ATTACHMENT 11/14/05 C

Burger moved and Meeks seconded a motion to approve the appropriation transfer request from account code 228.210.5385, Other Expense, to account code 228.210.5396, Vehicle Maintenance, in the amount of \$10,000.00. **3-0 yes**

ATTACHMENT 11/14/05 D

Burger moved and Meeks seconded a motion to approve the appropriation transfer request from account code 210.210.5112, Part-time Salaries, to account code 210.210.5214, Medicare – FD Operations, in the amount of \$3,000.00. **3-0 yes**

ATTACHMENT 11/14/05 E

Burger moved and Meeks seconded a motion to approve the appropriation transfer request from account code 210.210.5387, Discretionary, to account code 210.210.5354, Laundry, in the amount of \$1,725.03 and from account code 210.210.5508, Tools Purchase, to account code 210.210.5504, Office Supplies/materials, in the amount of \$1,000.00. **3-0 yes**

ATTACHMENT 11/14/05 F

Meeks moved and Pizzino seconded a motion to accept the resignation of part-time firefighter, Robert A. Dudley. **3-0 yes**

Administration Department

ATTACHMENT 11/14/05 G

Meeks moved and Pizzino seconded a motion to approve attached Amendment No. 16 to the Jackson Township Health Benefit Plan, effective January 1, 2006, as recommended by the Health Insurance Committee, and to authorize the Board President to sign said amendment. **3-0 yes**

Meeks moved and Pizzino seconded a motion to amend the effective date of Jackson Township Health Benefit Plan Amendment No. 15 from December 1, 2005 to January 1, 2006. **3-0 yes**

RESOLUTION 05-096, ATTACHED

Pizzino moved and Meeks seconded a motion to adopt and authorize the Board President to sign the attached HIPAA exemption election and further to adopt the attached notice of election to employee enrollees and authorize the Administrator to sign said notice. **3-0 yes**

ATTACHMENT 11/14/05 H

Pizzino moved and Meeks seconded a motion to approve the Health Plan Renewal as recommended by the Health Insurance Committee. **3-0 yes**

ATTACHMENT 11/14/05 I

Burger moved and Meeks seconded a motion to approve the appropriation transfer request from account code 101.110.5387, Discretionary, to account code 101.110.5442, Newsletter, in the amount of \$1,500.00. **3-0 yes**

Zoning & Planning Department

ATTACHMENT 11/14/05 J

Meeks moved and Pizzino seconded a motion to approve the variance application fee waiver requested by the Jackson Youth Basketball Association. **3-0 yes**

Park Department

ATTACHMENT 11/14/05 K

Burger moved and Pizzino seconded a motion to approve the appropriation transfer request from account code 214.510.5387, Discretionary, to account code 214.515.5459, Special Events, in the amount of \$5,200.00. **3-0 yes**

ATTACHMENT 11/14/05 L

Burger moved and Pizzino seconded a motion to approve the appropriation transfer request from account code 214.510.5387, Discretionary, to account code 214.515.5902, Refunds, in the amount of \$1,800.00. **3-0 yes**

Highway Department

RESOLUTION 05-097, ATTACHED

Meeks moved and Pizzino seconded a motion to adopt and authorize the placement of a stop sign at:

Shiloh Street N.W. to stop eastbound at Vicksburg Avenue N.W.

Donelson Circle N.W. to stop eastbound at Vicksburg Avenue N.W. **3-0 yes**

ATTACHMENT 11/14/05 M

Meeks moved and Pizzino seconded a motion to approve the appropriation transfer request from account code 204.310.5387, Discretionary, to account code 204.310.5606, Resurfacing, in the amount of \$5,500.00. **3-0 yes**

ATTACHMENT 11/14/05 N

Meeks moved and Pizzino seconded a motion to approve the appropriation transfer request from account code 204.310.5387, Discretionary, to account code 204.310.5558, Drainage Supplies, in the amount of \$1,800.00. **3-0 yes**

Legal Department

RESOLUTION 05-098, ATTACHED

Pizzino moved and Meeks seconded a motion that whereas, the Board of Trustees of Jackson Township, Stark County, Ohio, (hereafter Board of Trustees of Jackson Township) are required by law to award certain contracts to the lowest and best bidder,

Whereas, the Board of Trustees of Jackson Township, based upon its experience and its consideration of other objective evidence, has determined that quality of workmanship, efficient operation, safety and timely completion of projects are not necessarily insured by awarding a construction project to the lowest bidder,

Whereas, the statutes requiring award to the lowest and best bidder do not define “best” and the law allows the Board of Trustees of Jackson Township broad discretion in determining who the best bidder, is,

Whereas, the Board of Trustees of Jackson Township, based upon its experience and its consideration of their objective evidence, has determined that the lowest and best bidder for a purchase or a construction project can be identified only through the consideration of several factors in addition to the dollar amount of the bid.

Whereas, Ohio Revised Code (hereafter ORC) Sections 504.04(A)(1) and (2) authorize the Board of Trustees to exercise powers of local self-government in the Township and to adopt and enforce within the Township local police, sanitary and other similar regulations,

Be it resolved that, pursuant to ORC Chapter 504 and ORC Sections 504.04(A)(1) and (2) or other law, that the Board of Trustees of Jackson Township:

(1) Hereby determines that the following factors are significant in determining whether a bid is the lowest and best bid and may be considered and applied by the Board of Trustees of Jackson Township, in its discretion, to any contractor submitting a bid when awarding all competitively bid construction contracts:

- a. Bidder’s familiarity with the project
- b. Adequacy of equipment for the project
- c. Bidder’s record on similar construction projects
- d. Bidder’s construction experience in the preceding twelve (12) months including the original contract price for each job undertaken, the cost of any change order and overruns
- e. Bidder’s compliance with completion deadlines
- f. Bidder’s prior performance on any project for Jackson Township
- g. Bidder’s financial solvency
- h. Whether bidder has ever sued or been sued by a public entity over a public project
- i. Bidder’s bonding record
- j. Bidder’s compliance record with unemployment and workers’ compensation laws

- k. Bidder's compliance record with federal and state wage laws
 - l. Bidder's compliance record with the Fair Labor Standards Act (FLSA)
 - m. Bidder's compliance record with Occupational Safety and Health Administration (OSHA) regulations
 - n. Any other factor determined to be relevant by the Board of Trustees.
- (2) Hereby determines, in certain circumstances, other factors are also significant in determining whether a bid is the lowest and best bid. These other factors may be considered and applied by the Board of Trustees of Jackson Township, in its discretion, to the two lowest responsive bidders when the dollar amounts of the two lowest responsive bids are with the following limits of each other:
- a. 15% if the lowest bid is at least \$50,000 but does not exceed \$100,000,
 - b. 10% if the lowest bid is at least \$100,000 but does not exceed \$500,000,
 - c. 5% if the lowest bid exceeds \$500,000.
- (3) Hereby determines all bid specifications for construction, repair and renovation work for Stark County shall advise prospective bidders of all of the factors that may be taken into consideration by the Board of Trustees of Jackson Township in determining whether a bid is not only the lowest, but also the best bid. Bid specifications shall contain provisions conforming to Section 1 and 2 of this Resolution, including the attached bidder's profile form to enable a bidder to provide evidence to the Board of Trustees of Jackson Township for the bidder's compliance with, adherence to, or satisfaction of, the various factors that may be considered by the Board in determining the lowest and best bid.
- (4) This Resolution shall fully replace any prior Resolution establishing best bid criteria and is effective on December 14, 2005. **3-0 yes**

RESOLUTION 05-099, ATTACHED

Burger moved and Pizzino seconded a motion that pursuant to ORC Section 505.10, the Board of Trustees hereby determines that the attached described personal property owned by the Board of Trustees is not needed for Township purposes.

Be it further resolved that a public auction shall be held on December 17, 2005 at 10:00 a.m. at Skipco Financial Adjusters, Inc., 700 Elm Ridge, Canal Fulton, OH 44614 for the purpose of auctioning the attached described personal property in accordance with the terms contained in the attached notice of public auction which the Township Clerk is requested to post and advertise.

Be it further resolved that we hereby adopt and authorize the placement of our signatures upon the attached Agreement with Skipco Financial Adjusters, Inc. and authorize the President, Clerk or Law Director to execute all documents necessary to accomplish the auction. **3-0 yes**

ATTACHMENT 11/14/05 O

Pizzino moved and Meeks seconded a motion to adopt the attached Easement and Temporary Right of Way Agreement for the Strausser/Lutz Widening Project and further authorize the payment of the consideration described therein. **3-0 yes**

Clerk's Office

ATTACHMENT 11/14/05 P

Meeks moved and Pizzino seconded a motion to pay the bills in the amount of \$307,606.98. **3-0 yes**

ATTACHMENT 11/14/05 Q

Meeks moved and Pizzino seconded a motion to approve the minutes of the October 24, 2005 Board of Trustees meeting. **3-0 yes**

ATTACHMENT 11/14/05 R

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

ATTACHMENT 11/14/05 S

Meeks moved and Pizzino seconded a motion to approve the Then & Now Certificate (PO# RG50668) for Police Department. **3-0 yes**

ATTACHMENT 11/14/05 T

Meeks moved and Pizzino seconded a motion to approve the Then & Now Certificate (PO# MV50678) for Central Maintenance. **3-0 yes**

Routine Business

Meeks moved and Pizzino seconded a motion to cancel the Board of Trustees meeting on November 28 and re-schedule December meetings on December 5 and 19. **3-0 yes**

Announcements

- Next regular Board of Trustees meetings, December 5, 2005, 4:00 p.m. Executive Session and/or Work Session, 6:00 p.m., General Session, Township Hall.
- LOGIC, December 1, 2005, 9:00 a.m., Safety Center, Chiefs' Conference Room.
- Citizens Advisory Committees:
 - Park, November 15, 2005, 6:30 p.m., Township Hall.
 - Highway/Traffic, November 17, 2005, 6:30 p.m., Township Hall.

Old Business – None

New Business

ATTACHMENT 11/14/05 U

Burger moved and Meeks seconded a motion to accept a \$25.00 gift card from Tractor Supply Company for Township use. **3-0 yes**

Burger moved and Meeks seconded a motion to accept a \$300.00 donation to the Park Tree Fund from Northwest Jackson Soccer League in memory of James C. Nelson. **3-0 yes**

Burger moved and Meeks seconded a motion to accept a \$10.00 donation to the Fire Department from Daphne M. Vaughan. **3-0 yes**

Burger moved and Meeks seconded a motion to accept a \$1,000.00 donation to the Fire Department from Wal-Mart Foundation. **3-0 yes**

Burger moved and Meeks seconded a motion to accept an \$18,110.22 donation to the Fire Department from Louella G. Williams' Estate. **3-0 yes**

Public Speaks

Paul Biedenbach of 4865 Andette Ave. N.W. congratulated the current Trustees and that he appreciated the great race.

Clerk Gonzalez reminded everyone that the donations to the Fire Department are used for community events such as open house at the Safety Center. Tax dollars are not used to pay for refreshments.

Burger opened the Public Hearing on Zoning Amendment 548-05, Re-zone on Beatty Street NW at 7:00 p.m. Joni Poindexter presented the facts of the request.

ATTACHMENT 11/15/05 V

Skip Rea, representing Beatty Group, and Nathan Page, representing Hammontree & Associates, spoke in favor of the re-zoning.

Lindsay Null, Donald Lebo, Paul Biedenbach, Lewis Etling and Tim Etling spoke against the development. Their concerns included increased traffic, speeding, water run off and drainage.

Tim Gesaman said he was neither for nor against the development but water run off and drainage concerns should be addressed.

The Trustees thanked everyone for coming and for bringing their concerns to the Board's attention. They assured the residents that those concerns would be looked into and their questions answered.

Meeks moved and Pizzino seconded a motion to adopt the recommendation of the Zoning Commission.

Meeks **yes**
Pizzino **yes**
Burger **yes**

Meeks moved and Pizzino seconded a motion to table the Department Budget Reviews for 2006 for the Zoning Department, Central Maintenance Department, Legal Department, and Clerk's Office. **3-0 yes**

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

William Burger

Randy Gonzalez