

RECORD OF PROCEEDINGS

MINUTES OF JACKSON TOWNSHIP BOARD OF TRUSTEES MEETING

SEPTEMBER 26, 2011

Pizzino called the meeting to order at 4:12 p.m. at the Jackson Township Hall with all Trustees, Fiscal Officer, Lyon, Fitzgerald, Boger and Hogue present.

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

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

Upon return from Executive Session at 5:02 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.

Pizzino announced that the Work Session was cancelled.

Public Speaks – None

Administration Department

ATTACHMENT 09/2611 A

Walters moved and Burger seconded a motion to adopt the following proclamation:

Whereas, the vision of the O’Shyah Ministry, which means “Glory of God”, was a passion of Dr. Anicia A. Brown’s for many years; and

Whereas, through Dr. Brown’s leadership, the O’Shyah Multi-Complex Life Care Center was established; and

Whereas, the O’Shyah Multi-Complex Life Care Center provides a multitude of programs and services to enable each and every individual the same opportunity to achieve their individual goals; and

Whereas, in the year of 2011, Dr. Anicia A. Brown is celebrating 16 years of pastoring through church services and community service.

Now therefore be it resolved that we, the duly elected Board of Trustees of Jackson Township, Stark County, Ohio, hereby proclaims the 9th day of October in the year of 2011 as a day of celebration for Dr. Anicia A. Brown in Jackson. **3-0 yes**

ATTACHMENT 09/26/11 B

Walters moved and Burger seconded a motion to adopt the following proclamation:

Whereas, an estimated 32,788 people died in traffic crashes in the United States in 2010, an average of one person every 16 minutes; and

Whereas, in 2009 there were an estimated 5,505,000 police reported traffic crashes in the United States; and

Whereas, alcohol-related crashes account for 32 percent of all traffic fatalities; and

Whereas, it is estimated that 12,713 lives were saved in 2009 by the use of seat belts; and

Whereas, the economic cost alone of motor vehicle crashes in 2000 was \$230 billion. Deaths and injuries on U.S. Highways cost society over \$150 billion annually; and

Whereas, safer driving behaviors such as the use of seat belts, not drinking and driving, and obeying traffic laws would dramatically reduce the number of traffic-related injuries and deaths; and

Whereas, the use of cost-effective roadway safety improvements such as all-weather signing and markings, traffic signals, skid resistant pavements and removal of roadside hazards could also greatly reduce the number of traffic crashes; and

Whereas, the continued development of safer vehicles and protective traffic safety equipment such as helmets will enhance people's ability to protect themselves and their families from preventable and tragic permanent injuries and deaths.

Now therefore be it resolved that the Board of Trustees of Jackson Township, Stark County, Ohio, hereby proclaims October 10, 2011 as Put The Brakes On Fatalities Day and calls upon everyone to help save lives by spreading these important messages throughout our communities.

3-0 yes

Legal Department

RESOLUTION 11-107, ATTACHED

REGULATION OF COLLECTION OF SOLID WASTE, REFUSE AND GARBAGE

Walters moved and Burger seconded a motion whereas, Ohio Revised Code (hereafter ORC) Section 504.04(A)(1) and (2) authorizes 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.

Whereas, ORC Section 504.05 authorizes the Jackson Township Board of Trustees to impose a civil fine up to \$1,000 for the violation of a resolution adopted under ORC Section 504.04 which can be graduated based on previous violations and ORC Section 504.06 requires the adoption of a citation form.

Be it resolved that, pursuant to the above statutes, effective October 28, 2011, we hereby:

1. Establish that all collection of solid waste, refuse and garbage within the limits of Jackson Township within 500 feet of a residential dwelling, apartment building or other residential structure be limited to the hours of 6:00 AM to 8:00 PM.
2. Adopt the attached citation form and request the Township Fiscal Officer to publish the attached notice.
3. Whoever violates this resolution is subject to a fine of \$500 for the first violation and a fine of \$1,000 for each subsequent violation. **3-0 yes**

Police Department

Walters moved and Burger seconded a motion to accept the Drug Use Prevention Grant.

3-0 yes

ATTACHMENT 09/26/11 C

Pizzino moved and Walters seconded a motion to approve the appropriation transfer request from account code 209.250.5387, Discretionary, to account code 209.250.5488, Water Expense, in the amount of \$800.00 and from account code 209.250.5387, Discretionary, to account code 209.250.5526, Fuel Expense, in the amount of \$50,000.00. **3-0 yes**

Public Works Department

Highway

ATTACHMENT 09/26/11 D

Pizzino moved and Burger seconded a motion to approve the appropriation transfer request form account code 204.310.5387, Discretionary, to account code 204.310.5652, Equipment, in the amount of \$1,129.00. **3-0 yes**

RESOLUTION 11-108, ATTACHED

WATERSHED MANAGEMENT PROJECT ASSISTANCE PROGRAM

Walters moved and Burger seconded a motion whereas, the Muskingum Watershed Conservancy District administers financial assistance for conservation purposes through the Partners in Watershed Management Project Assistance Program and

Whereas, the Board of Trustees of Jackson Township, Stark County, Ohio desires financial assistance under the Partners in Watershed Management Project Assistance Program.

Be it resolved by the Board of Trustees of Jackson Township, Stark County, Ohio:

1. That the Board of Trustees of Jackson Township, Stark County, Ohio approves filing an application for financial assistance and entering into a grant agreement.
2. That Ralph Boger, Jackson Township Public Works Director, is hereby authorized and directed to execute and file the attached application with the Muskingum

Watershed Conservancy District and to provide all information and documentation required to become eligible for possible funding assistance.

3. That the Board of Trustees of Jackson Township, Stark County, Ohio does agree to obligate the funds required to satisfactorily complete the proposed project and become eligible for reimbursement under the terms of the Partners in Watershed Management Project Assistance Program. **3-0 yes**

Central Maintenance

ATTACHMENT 09/26/11 E

Pizzino moved and Burger seconded a motion to approve the appropriation transfer request from account code 101.115.5523, Facility Supplies, to account code 101.115.5526, Fuel, in the amount of \$2,000.00. **3-0 yes**

Park

Walters moved and Burger seconded a motion to accept a \$50.00 donation to the Park for flag maintenance or replacement from Boy Scout Troop 921. **3-0 yes**

Walters moved and Burger seconded a motion to accept three bicycle racks for the Park from Brian Fitch, Boy Scout Troop 927, toward the Eagle Scout Award. **3-0 yes**

Walters moved and Burger seconded a motion to accept a donation to the Park of a Yoshino Cherry Tree from James E. Allman as a memorial to his son, Patrick. **3-0 yes**

Zoning & Planning Department

RESOLUTION 11-109, ATTACHED

NOXIOUS WEEDS – 400 LEECREST AVENUE NW, BLAUMEISER ALLOTMENT, LOT 12, PARCEL NUMBER 16-03455, JACKSON TOWNSHIP, OHIO

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 Fred Burleson in Jackson Township described as follows: 400 Leecrest Avenue NW, Blaumeiser Allotment, Lot 12, Parcel Number 16-03455, Jackson Township, Ohio.

Be it resolved that said Fred Burleson, whose tax mailing address is 400 Leecrest Avenue NW, Massillon, OH 44646, 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 September 30, 2011. 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**

ATTACHMENT 09/26/11 F

Walters moved and Burger seconded a motion that the Jackson Township Board of Trustees, Stark County, Ohio, hereby makes report and certifies that on the 31th day of May, 2011 it was informed in writing that noxious weeds were growing on lands of John and Laura Sands in Jackson Township and were about to spread and mature seeds; said lands being described as follows: 8096 Arlington Road NW, Arlington Meadows Allotment, Lot 14, Parcel No. 16-07935, S.W. Qtr. Section 4, Jackson Township, and thereupon said Jackson Township Trustees adopted and served a resolution requiring that said noxious weeds be cut or destroyed.

The following is a statement of the charges for:

Administrative Fee	\$150.00
Labor, materials, and equipment used	<u>\$400.00</u>
Total	\$550.00

You are hereby requested to cause such amount, when allowed, to be entered upon the tax duplicate and to be a lien upon the above-described real estate, from and after the date of the entry, and to be collected as other taxes and returned to the Township to be placed in the Township general fund. **3-0 yes**

ATTACHMENT 09/26/11 G

Walters moved and Burger seconded a motion that the Jackson Township Board of Trustees, Stark County, Ohio, hereby makes report and certifies that on the 26th day of May, 2011 it was informed in writing that noxious weeds were growing on lands of Christine L. Habony, deceased in Jackson Township and were about to spread and mature seeds; said lands being described as follows: 7682 Oakdale Street NW, Oakdale Allotment, Lots 56 & 57, Parcel No. 16-20002, S.W. Qtr. Section 28, Jackson Township, and thereupon said Jackson Township Trustees adopted and served a resolution requiring that said noxious weeds be cut or destroyed.

The following is a statement of the charges for:

Administrative Fee	\$150.00
Labor, materials, and equipment used	<u>\$400.00</u>
Total	\$550.00

You are hereby requested to cause such amount, when allowed, to be entered upon the tax duplicate and to be a lien upon the above-described real estate, from and after the date of the entry, and to be collected as other taxes and returned to the Township to be placed in the Township general fund. **3-0 yes**

ATTACHMENT 09/26/11 H

Walters moved and Burger seconded a motion that the Jackson Township Board of Trustees, Stark County, Ohio, hereby makes report and certifies that on the 4th day of August, 2011 it was informed in writing that noxious weeds were growing on lands of Steven and Becky Pope in Jackson Township and were about to spread and mature seeds; said lands being described as follows: 6312 Wales Avenue NW, Parcel No. 16-08415, N.W. Qtr. Section 15, Jackson Township, and thereupon said Jackson Township Trustees adopted and served a resolution requiring that said noxious weeds be cut or destroyed.

The following is a statement of the charges for:

Administrative Fee	\$150.00
Labor, materials, and equipment used	<u>\$400.00</u>
Total	\$550.00

You are hereby requested to cause such amount, when allowed, to be entered upon the tax duplicate and to be a lien upon the above-described real estate, from and after the date of the entry, and to be collected as other taxes and returned to the Township to be placed in the Township general fund. **3-0 yes**

Pizzino moved and Burger seconded a motion to set a Public Hearing for Zoning Amendment 591-11 on October 11, 2011 at 5:45 p.m., to re-zone from B-1 Suburban Office & Limited Business District to B-3 Commercial Business District, approximately 2.4 acres, located at 4205 and 4117 Whipple Avenue NW. **3-0 yes**

Fiscal Office

ATTACHMENT 09/26/11 I

Pizzino moved and Burger seconded a motion to pay the bills in the amount of \$538,039.54. **3-0 yes**

ATTACHMENT 09/26/11 J

Pizzino moved and Burger seconded a motion to approve the minutes of the September 12, 2011 Board of Trustees' meeting. **3-0 yes**

Routine Business

Announcements

- Next regular Board of Trustees meeting, October 11, 2011, 4:00 p.m., Executive Session and/or Work Session; 5:00 p.m., General Session, Township Hall.
- LOGIC, October 6, 2011, 9:00 a.m., Jackson Safety Center, Chiefs' Conference Room.
- CIC, October 17, 2011, 5:00 p.m., Township Hall.
- Board of Zoning Appeals, October 13, 2011, 6:30 p.m., Township Hall.
- Citizens Advisory Committees:
 - Park, November 9, 2011, 6:30 p.m., Township Hall.
 - Highway/Traffic, November 16, 2011, 6:30 p.m., Township Hall.
- Jackson Township Farmers Market, Thursday, September 29, 3:00 – 6:00 p.m., Jackson North Park.

- Fire Prevention Week – October 9-15, 2011
Fire and Police Open House, Sunday, October 9, 2011, 2:00 – 4:00 p.m.
3:00 p.m., Dedication of the Restored 1953 GMC Fire Engine, Jackson Safety Center.
- Unity in Our Community Pancake Breakfast and Health Fair, October 22, 2011, 8:00 a.m. – 12:00 noon, Jackson High School Commons. \$6 per person, ages 3 and under free, senior citizens buy one, get one free.
- Haunted Hayride, October 22, 2011, 7:00 – 10:00 p.m., Jackson South Park on Fulton Drive next to Jackson High School. Donations benefit Jackson Parks. Refreshments available for purchase. Wagons run rain or shine.

Old Business

Gonzalez said Trustee Pizzino asked him to look at what will happen with the reappraisals that will be coming up for the Township. He said the reappraisals in Summit County are down 8% and the projection for Stark County is 7 to 10 percent. He said we will actually see the reductions in our 2013 year payments and that is the same year the inheritance tax is lost.

Gonzalez said the approximate loss for Police, Fire and Highway levies combined could be as high as \$1.6 million.

Pizzino urged the Department heads to watch their spending.

Gonzalez said that the way the budget is done is different than some governments. He said we have never gone with the “use it or lose it mentality”. He said the department heads know that the money that is saved will be rolled back into their budgets the next year. This means the larger the carryover at the end of the year, the better off they will be the next year.

Pizzino said the Park Department will be in trouble. He said the parks are operated out of the general fund and the budget is about \$1.1 million and most of the money comes from the inheritance tax which is being eliminated in 2013.

New Business – None

Public Speaks – Open Forum

A question was asked by Ms. Walters about the Notices to the County Auditor if that was for mowing on private lots. Trustees Walters said that it was.

Another question was asked about the appropriation transfers. Trustee Walters answered that it was to move money from one line item in the department budget to another line item. Gonzalez explained more of the budget process.

A question was asked why the inheritance funds are being lost in 2013. Trustee Walters said the Governor and the State Legislature changed the law and removed the inheritance tax. Gonzalez said the Safety Building cost roughly \$9 million to build and was paid for with inheritance taxes. Gonzalez also said the Highway building cost around \$3 million which was paid for with inheritance taxes. Gonzalez explained that the inheritance tax is on estates of over \$385,000 and the tax is 7%. Gonzalez said that no tax is a good tax but the State hasn't given the subdivisions any way to make up that lost revenue except by asking the voters for a levy.

A question was asked why the Trustees accept the donations. Trustee Walters said they have to take action to accept the money.

A question was asked if a motion has ever not been seconded and if there are disagreements. It was explained that the motion has to be seconded and then the vote can be against the motion. Trustees Walters said there are times when the Trustees disagree with an issue "but they try to come to a consensus but that's the point of having a vote". Walters said most of tonight's agenda was routine. Gonzalez said the proper way is to second a motion and then have a discussion. He said he has been to board meetings where they let a motion die for lack of a second.

A question was asked about the 7 and 10 percent. Gonzalez explained that every ten years there is a reappraisal on all the houses and properties in the township. He said the property in Jackson Township is worth 1.3 billion dollars. He said that because of the economy and the fact that houses are selling for less, the appraisals are going down. He explained that since the property values are less, the taxes collected will be less. He said that while that is a good thing, those taxes pay for services.

A question was asked about why Jackson Township contributed most of the money to Stark Parks. Trustee Walters explained that it goes back to the value of the property in Jackson Township. He said that the levy for Stark Parks is also a property tax and since Jackson Township has the highest property value the residents contribute most of the tax.

Another question was asked about the fund raisers with the School. Gonzalez said "we don't share money". He said it was illegal to comingle school and township money. It was explained that the Haunted Hayride is being done by the Township to benefit the Park Department and the Pancake Breakfast is being sponsored by someone else.

Pizzino moved and Walters seconded a motion to adjourn.

3-0 yes

John Pizzino

Randy Gonzalez