

RECORD OF PROCEEDINGS

MINUTES OF JACKSON TOWNSHIP BOARD OF TRUSTEES MEETING

APRIL 13, 2021

Hawke called the meeting to order at 3:32 p.m. at the Jackson Township Hall with Trustees Todd Hawke, John Pizzino, and Jim Thomas present. Fiscal Officer Gonzalez, Administrator/Law Director Vaccaro, Zoning Inspector Poindexter, Fire Chief Berczik, Police Chief Brink, and Public Works Director Rohn were also in attendance.

Hawke moved and Thomas seconded a motion to go into Executive Session for Police Department Personnel (Appointment / Employment / Compensation) – Part-time Police Officer Applicant Interview.

3-0 yes

Hawke moved and Thomas seconded a motion to go into Executive Session for Public Works Department Personnel (Appointment / Employment / Compensation) – Highway Labor Specialist Applicant Interview.

3-0 yes

Hawke moved and Thomas seconded a motion to go into Executive Session for Fire Department Personnel (Appointment / Employment / Compensation) – Deputy Chief Interviews.

3-0 yes

Upon return from Executive Session at 5:01 p.m., Hawke called the General Session to order. Hawke requested that all cell phones be silenced at this time.

The Pledge of Allegiance was recited.

Public Speaks – None

At 5:00 p.m., the Tax Incentive Review Council (TIRC) Meeting for Sam's Club was held.

Administration Department

ATTACHMENT 04/13/21 A

Hawke moved and Pizzino seconded a motion to amend the Board of Trustees' regular meeting schedule as follows:

1. The May 11, 2021 meeting shall be canceled and rescheduled to May 10, 2021 at 4:00 p.m. (Executive Session) and 5:00 p.m. (General Session).

3-0 yes

**RESOLUTION 21-064 ATTACHED
EASTON SERVICE AGREEMENT FOR PHONE SERVICES**

Hawke moved and Pizzino seconded a motion that we hereby adopt and authorize the placement of the Board Chairman’s signature upon the attached Master Service Agreement and Service Order with Easton Telecom LLC.

3-0 yes

A brief recess was taken to address a technical issue.

**RESOLUTION 21-065 ATTACHED
OHIO HIGH SCHOOL ATHLETIC ASSOCIATION AGREEMENTS**

Hawke moved and Thomas seconded a motion that we hereby adopt and authorize the placement of the Board Chairman’s signature upon the attached Site Confirmation Agreement with attached General Terms and Conditions and Indemnification Agreement with the Ohio High School Athletic Association for the Boys Tennis Tournament.

3-0 yes

ATTACHMENT 04/13/21 B

Hawke moved and Pizzino seconded a motion to adopt and authorize the placement of the Board Chairman’s signature upon the attached 2022 Group Retrospective Rating Program Enrollment Form and approve the payment of \$18,490.00 to Sedgwick.

3-0 yes

ATTACHMENT 04/13/21 C

Hawke moved and Thomas seconded a motion that we do not request a hearing for the Liquor Permit for La Loma 2 LLC dba La Loma, 4794 Dressler Rd, Jackson Township, Canton, OH 44718.

3-0 yes

**RESOLUTION 21-066 ATTACHED
OHIO LIQUOR NOTICE OBJECTION – WITHDRAWAL**

Hawke moved and Thomas seconded a motion that whereas, on March 23, 2021, the Jackson Township Board of Trustees voted to request a hearing on the D-1 TREX transfer of Rilo Corp. dba Karma Social.

Be it resolved that we hereby withdrawal our objection and request for a hearing on the D-1 TREX transfer of Rilo Corp. dba Karma Social.

3-0 yes

Legal Department

**RESOLUTION 21-067 ATTACHED
FORMATION OF NOT-FOR-PROFIT LIMITED LIABILITY COMPANY**

Hawke moved and Thomas seconded a motion that whereas, on March 23, 2021, the Board approved an application for approval of the formation of a “Community Entertainment District”

pursuant to Ohio Revised Code Section 4301.80 in an area that includes the Jackson Amphitheater (the “Amphitheater”);

Whereas, the “Community Entertainment District” designation permits the issuance of D5j liquor permits (each, a “Permit”) by the Ohio Department of Commerce, Division of Liquor Control;

Whereas, in connection with certain events to be held at the Amphitheater, alcoholic beverages may be sold and served;

Whereas, the Board desires to form and own 100% of an Ohio not-for-profit limited liability company for purposes of applying for a Permit and, if granted, serving alcoholic beverages at certain events at the Amphitheater; and

Whereas, the limited liability protections afforded to limited liability companies pursuant to the Ohio Revised Code, and the control of and the utilization of proceeds therefrom for ongoing amphitheater costs, are in the best interests of the Township and the health, safety and welfare of its residents.

Be it resolved that: Each of Michael B. Vaccaro, Law Director, and Thomas A. FitzSimmons, Assistant Law Director, is authorized to form, by the filing of Articles of Organization with the Ohio Secretary of State, an Ohio not-for-profit limited liability company, 100% owned by the Board, named “Jackson Amphitheater Operations LLC” or such similar name, and with such other attributes, as are consistent with the purposes set forth herein in the sole discretion of either or both of Mr. Vaccaro and Mr. FitzSimmons and any prior and subsequent actions taken by either or both of them in such regard are hereby adopted and approved.

3-0 yes

Police Department

ATTACHMENT 04/13/21 D

Hawke moved and Pizzino seconded a motion to approve the appropriation transfer request from account code 209.250.5522 Facility Maintenance, to account code 209.290.5522 Annex Facility Maintenance, in the amount of \$25,000.00.

3-0 yes

RESOLUTION 21-068 ATTACHED TYLER TECHNOLOGIES PURCHASE

Hawke moved and Thomas seconded a motion that by the Jackson Township Board of Trustees:

1. We hereby authorize the Police Chief, Mark Brink, to purchase a law enforcement records management system from Tyler Technologies consistent with the attached quote in the amount of \$168,388.00, with additional recurring annual fees and software maintenance fees commencing in 2022, in the amount of \$29,957.00.
2. We hereby appoint Police Chief, Mark Brink, as the authorized signatory, with authority to execute any and all other documents which he reasonably deems necessary, advisable

and proper, in his sole judgment, to complete the purchase, installation and deployment of the records management system.

3-0 yes

Public Works Department

Highway Division

5:00 p.m. Bid Opening – 2021 Resurfacing Project:

- | | |
|----------------------|----------------|
| 1. Northstar Asphalt | \$1,353,500.35 |
| 2. Superior Paving | \$1,247,425.40 |

These bids will be reviewed and a recommendation will be made at the next meeting.

5:00 p.m. Bid Opening – 2021 Curbing Project:

- | | |
|--------------------------------|--------------|
| 1. Catts Construction | \$185,364.00 |
| 2. Spano Brothers Construction | \$214,632.00 |
| 3. TR Snyder Construction | \$179,266.50 |

These bids will be reviewed and a recommendation will be made at the next meeting.

ATTACHMENT 04/13/21 E

Hawke moved and Thomas seconded a motion to approve an unpaid leave of absence, effective April 10, 2021 for Highway Labor Specialist Shawn P. Porter for the purpose of Family and Medical Leave Act (FMLA), not to exceed his remaining FMLA balance. Employee shall be responsible for his employee share of extended health benefits from April 10, 2021 until he returns to active payroll status.

3-0 yes

Park Division

Hawke moved and Thomas seconded a motion to accept a sponsorship donation to the 2021 Community Celebration in the amount of \$500.00 from Buckeye Dental Group LLC.

3-0 yes

Hawke moved and Thomas seconded a motion to accept the following donations in memory of Harriet Ruwadi Nemeti:

1. \$25.00 from George and Beverly Adolph
2. \$100.00 from James and Cynthia Camp
3. \$200.00 from Susan and Dana Hoy
4. \$50.00 from Robert and Peggy Phillips
5. \$50.00 from the Jackson Township Administration Building Employees

3-0 yes

RESOLUTION 21-069 ATTACHED

PARK CREW LEADER, PUBLIC WORKS DEPARTMENT, PARK DIVISION

Hawke moved and Thomas seconded a motion that we hereby authorize an adjustment in the Step rate for John E. Border, a full-time Park Crew Leader, Public Works Department, Park Division, to the Step 2 rate (\$18.0303 per hour) effective April 10, 2021, as set forth in the negotiated agreement between the Board of Trustees of Jackson Township and the Utility Workers Union of America, AFL-CIO, Local 568.

3-0 yes

RESOLUTION 21-070 ATTACHED

PARK CREW LEADER, PUBLIC WORKS DEPARTMENT, PARK DIVISION

Hawke moved and Thomas seconded a motion that we hereby authorize an adjustment in the Step rate for Nicholas J. May, a full-time Park Crew Leader, Public Works Department, Park Division, to the Step 2 rate (\$18.0303 per hour) effective April 10, 2021, as set forth in the negotiated agreement between the Board of Trustees of Jackson Township and the Utility Workers Union of America, AFL-CIO, Local 568.

3-0 yes

Fire Department

Hawke moved and Thomas seconded a motion to accept a donation in the amount of \$50.00 from Ken and Kathryn Rankin.

3-0 yes

ATTACHMENT 04/13/21 F

Hawke moved and Pizzino seconded a motion to approve the appropriation transfer request from account code 210.210.5398 Building Maint/Repairs - Fire, to account code 210.210.5522 Annex Building - Fire, in the amount of \$50,000.00.

3-0 yes

RESOLUTION 21-071 ATTACHED

AMBULANCE PURCHASE

Hawke moved and Pizzino seconded a motion that pursuant to ORC Sections 125.04 and 505.37, we hereby adopt and authorize the placement of the Board Chairman's signature upon the attached Contract with Pfund Superior Sales Co., Inc. for the purchase of two (2) 2022 Freightliner M2 Life Line "Custom Highliner" Type I Ambulances as described in the Contract in the amount of \$262,112.00 per ambulance for a total price of \$524,224.00.

3-0 yes

RESOLUTION 21-072 ATTACHED

AMBULANCE EQUIPMENT PURCHASE

Hawke moved and Pizzino seconded a motion that we hereby adopt and authorize the purchase of the attached listed equipment with installation for two (2) ambulances in the amount of \$11,888.00 per ambulance for a total price of \$23,776.00 with Pfund Superior Sales, Inc.

3-0 yes

Fiscal Office

ATTACHMENT 04/13/21 G

Hawke moved and Pizzino seconded a motion to pay the bills in the amount of \$1,466,271.14.

3-0 yes

ATTACHMENT 04/13/21 H

Hawke moved and Thomas seconded a motion to approve the minutes of the March 23, 2021 Board of Trustees' meeting.

3-0 yes

ATTACHMENT 04/13/21 I

Hawke moved and Thomas seconded a motion to approve the monthly reports for March 2021.

3-0 yes

**RESOLUTION 21-074 ATTACHED
CARES ACT FUND ADVANCEMENT**

Hawke moved and Pizzino seconded a motion that whereas on December 16, 2020, we did pass Resolution 20-212, attached.

Be it resolved that, we hereby amend Resolution 20-212 effective December 16, 2020, to now read as follows:

1. Pursuant to the Coronavirus Aid, Relief, and Economic Security Act, 116 Public Law 136, (the CARES Act) signed into law by the President of the United States on March 27, 2020 and various appropriations by the Ohio General Assembly, we hereby authorize and approve the following:
2. We hereby approve the advance of cash in the amount of \$110,292.00 from the General Fund 101 to the Local Coronavirus Relief Fund 190 with the expectation the \$110,292.00 will be repaid to the General Fund from the funds received from a sub-grant agreement the Board of Stark County Commissioners.
3. We retroactively approve the repayment of advance of cash in the amount of \$110,292.00 from Local Coronavirus Relief Fund 190 to General Fund 101, effective December 29, 2020.

3-0 yes

Zoning and Planning Department

**RESOLUTION 21-073 ATTACHED
ZONING CERTIFICATE FEE SCHEDULE**

Hawke moved and Thomas seconded a motion that we hereby adopt and authorize the attached changes to the Zoning Certificate Fee Schedule effective April 22, 2021.

3-0 yes

Hawke moved and Thomas seconded a motion to set a public hearing on May 10, 2021 at 5:00 p.m. for a nuisance violation at 3049 Perry Drive NW, Jackson Township.

3-0 yes

ATTACHMENT 04/13/21 J

Hawke moved and Thomas seconded a motion to report to the County Auditor the township action regarding abatement of a nuisance at 7811 Parkford Street NW, Jackson Twp., Parcel No. 1602131.

3-0 yes

ATTACHMENT 04/13/21 K

5:00 p.m. - Public Hearing

Proposed re-zone of property Zoning Amendment 649-21. Hillsdale Farms Development, LLC, property owner, 5201 Richmond Road, Suite 1, Bedford Heights, Ohio 44146 proposes to rezone R-R Rural Residential District to R-1 Single Family Low Density Residential District, approx. 35.96 acres located at Parcel #1600883 Perry Dr. NW, Sect. 34SE Jackson Twp.

Poindexter informed the Trustees that the Zoning Commission met on March 18, 2021 and they recommended approval as requested for the re-zone.

Keith Mitchell, Director of Land Development for Palmieri Builders, representing Hillsdale Farms Development, located at 5201 Richmond Rd, Bedford Heights, Ohio 44146, are asking for a rezone of land to R-1 that is currently RR. The surrounding lands are 80-95' lots and there is a major grade change between this land and the land to the north. The change is being requested in order to stay consistent with the size of the surrounding properties, and maintain the same type of feel. RR is zoned at 100' whereas R-1 is zoned at a minimum of 80' lots. Mr. Mitchell indicated that there is adequate infrastructure, the land is environmentally sound, and there appears to be good access points and traffic flow. Considering the grade change and that this land is located significantly below the surrounding neighborhood to the north, they feel re-zoning to the smaller lots sizes is much more fitting.

A tentative lot layout was presented taking into account the neighboring lot sizes. Hawke informed the public that, if approved for the re-zone, this layout is simply conceptual and they would not have to build to this plan. There are still several steps that would have to be taken. He reiterated that the Board is not voting to approve their plan, they are voting about the re-zone.

No one spoke in favor of the re-zone.

Mike Henry of 3416 Roanoke wanted to know the procedure for dealing with flood plain.

Mike Kendall, GBC Design, Inc. explained that the flood plain would require a permit, and they would have to compensate for that by creating more flood plains so there is no net loss. Hawke asked if they were dealing with a flood plain or wetlands because there is a big difference in permits and cost. Vaccaro asked Kendall to clarify for the record which it was. They said it was definitely

a flood plain, but potentially a portion could be wetlands. Pizzino reiterated that they could not build on the flood plain, but they stated there was a permitting process that would allow them to.

Rohn explained the involvement of the Stark Soil & Water Conservation District and their process regarding the flood plains and the monitoring that would follow. Rohn indicated that sometimes re-development of land solves some problems with the collection and redistribution of water. The hearing was then closed and the Board Members all agreed with the re-zone.

Hawke moved and Thomas seconded a motion to adopt the recommendation of the Zoning Commission.

3-0 yes

Routine Business

Announcements

- Special **Board of Trustees'** meeting, April 22, 2021, 8:00 a.m., Executive Session for Fire Department Personnel (Appointment / Employment / Compensation), Jackson Township Hall.
- Next regular **Board of Trustees'** meeting, April 27, 2021, 4:00 p.m., Executive Session and/or Work Session; 5:00 p.m., General Session, Jackson High School Performing Arts Center.
- **Community Celebration Meeting**, April 27, 2021 3:00 p.m., Jackson Township Hall.
- **CIC**, April 15, 2021, 8:00 a.m., via video conference.
- **LOGIC**, May 6, 2021, 9:00 a.m., via video conference. Those interested in participating should call (330) 830-4285.
- **Zoning Meetings**
 - Board of Zoning Appeals – None Scheduled.
 - Zoning Commission – April 15, 2021, 5:00 p.m., Jackson Township Hall.
- **Fishing Derby**, May 1, 2021, Jackson North Park Pond, 8:00 a.m. – 10:00 a.m., free event but must register with the Park Division by Thursday, April 29, 2021.

Old Business – None

New Business

RESOLUTION 21-075 ATTACHED

POLICE DEPARTMENT PART-TIME POLICE OFFICER CONDITIONAL APPOINTMENT

Hawke moved and Pizzino seconded a motion that pursuant to ORC Section 505.49 and 509.01, we hereby appoint David D. Dawson, as a Part-Time Patrol Officer and Township Constable for the Jackson Township Police District, Stark County, Ohio, conditioned upon providing proof of Ohio Peace Officer Training Academy certification, successful completion of the background check, negative drug screen and any other testing requirements.

3-0 yes

RESOLUTION 21-076 ATTACHED

LABOR SPECIALIST, PUBLIC WORKS DEPARTMENT, HIGHWAY DIVISION

Hawke moved and Pizzino seconded a motion that we hereby authorize the employment of Andrew J. Haas for the full-time position of Labor Specialist, Public Works Department, Highway Division, at the Step 2 rate of \$22.4364, effective April 14, 2021, at 0700 hours, in accordance with the negotiated agreement between the Jackson Township Board of Trustees and the Utility Workers Union of America, AFL-CIO, Local 568, contingent upon a negative pre-employment drug screen.

Be it further resolved that Andrew J. Haas will serve a seven hundred thirty (730) day probationary period during which time he may be terminated without cause by the Board of Trustees.

3-0 yes

Public Speaks – None

Hawke moved and Pizzino seconded a motion to return to Executive Session for Fire Department Personnel (Appointment / Employment / Compensation) – Deputy Chief Interviews.

3-0 yes

Upon return from Executive Session, there was one more order of New Business.

RESOLUTION 21-077 ATTACHED

DEPUTY CHIEF APPOINTMENT

Hawke moved and Pizzino seconded a motion that pursuant to ORC Section 505.38, we hereby appoint Kai W. Rieger as Full Time Deputy Chief for the Jackson Township Fire Department, Stark County, Ohio, effective April 19, 2021 at 0800 hours, with compensation of \$94,266.79 per year and the benefits of a Class B employee as described in the Benefit Package for Management Personnel, except Kai W. Rieger shall pay 2% of the employee's contribution to OPFPF, and will serve a one year probationary period.

3-0 yes

Hawke moved and Pizzino seconded a motion to adjourn.

3-0 yes

Todd Hawke

Randy Gonzalez