

## RECORD OF PROCEEDINGS

### MINUTES OF JACKSON TOWNSHIP BOARD OF TRUSTEES MEETING

DECEMBER 21, 2021

Hawke called the meeting to order at 3:05 p.m. at the Jackson Township Hall with Trustees Todd Hawke, John Pizzino, and Jim Thomas present. Fiscal Officer Gonzalez, Administrator/Law Director Vaccaro, Public Works Director Rohn, Dave Ruwadi & Chylece Head were also in attendance.

The first order of business was a work session to discuss the new synthetic ice rink operations in North Park. The group discussed the proposed rules and regulations for the operation of the ice rink.

Hawke moved and Thomas seconded a motion to go into Executive Session for Police Department (Appointment / Employment / Compensation) – Interview Full-Time Patrol candidates.

**3-0 yes**

Hawke moved and Thomas seconded a motion to go into Executive Session for Administration Department (Appointment / Employment / Compensation) – Management Package.

**3-0 yes**

Hawke moved and Thomas seconded a motion to go into Executive Session for Administration Department (Appointment / Employment / Compensation) – Sick Leave.

**3-0 yes**

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

The Pledge of Allegiance was recited.

#### **Public Speaks**

Carol Burger of 4548 Amberidge Ave NW, Canton, Ohio 44708 presented donations to the police, fire and parks departments (\$500 each) in memory of her son, Eric D. Myers. Hawke moved and Pizzino seconded a motion to accept the donations totaling \$1,500 from Carol Burger.

#### **Administration Department**

##### **ATTACHMENT 12/21/21 A**

Hawke moved and Thomas seconded a motion to approve Budget Module 22-06 for Amphitheater Funding in the amount of \$453,950.

**3-0 yes**

**ATTACHMENT 12/21/21 B**

Hawke moved and Thomas seconded a motion to approve the 2022 Jackson Township Budget and Planning Document.

**3-0 yes**

**ATTACHMENT 12/21/21 C**

Hawke moved and Thomas seconded a motion to approve a Then & Now Certificate for purchase order RG21263 to OTARMA in the amount of \$255,507.00 for the liability & property insurance renewal.

**3-0 yes**

**Police Department**

**ATTACHMENT 12/21/21 D**

Hawke moved and Thomas seconded a motion to approve a Then & Now Certificate for purchase order RG21338 to Grayshift LLC in the amount of \$9,995.00 for the license for DB equipment.

**3-0 yes**

**ATTACHMENT 12/21/21 E**

Hawke moved and Thomas seconded a motion to approve a Then & Now Certificate for purchase order RG21449 to Magic Garage Door in the amount of \$5,000.00 for three doors for the annex building.

**3-0 yes**

**Legal Department**

**RESOLUTION 21-270 ATTACHED**

**A RESOLUTION DECLARING IMPROVEMENTS TO CERTAIN REAL PROPERTY WITHIN THE TOWNSHIP TO BE A PUBLIC PURPOSE; DESCRIBING THE PUBLIC IMPROVEMENTS TO BE MADE TO DIRECTLY BENEFIT SUCH PARCEL; EXEMPTING SUCH IMPROVEMENTS FROM AD VALOREM REAL PROPERTY TAXATION; REQUIRING THE OWNER OF THE IMPROVEMENTS TO MAKE SERVICE PAYMENTS IN LIEU OF AD VALOREM REAL PROPERTY TAXES; AUTHORIZING THE EXECUTION OF A TAX-LIEN SALE AGREEMENT BETWEEN THE TOWNSHIP AND THE TREASURER OF STARK COUNTY; AND ESTABLISHING A TOWNSHIP PUBLIC IMPROVEMENT TAX INCREMENT EQUIVALENT FUND FOR THE DEPOSIT OF THE SERVICE PAYMENTS IN LIEU OF AD VALOREM REAL PROPERTY TAXES, ALL PURSUANT TO SECTIONS 5709.73, 5709.74 AND 5709.75 OF THE REVISED CODE; AND DECLARING AN EMERGENCY.**

Whereas, Ohio Revised Code (“ORC”) Sections 5709.73, 5709.74 and 5709.75 (together, the “Act”) provide that this Board of Trustees may describe public infrastructure improvements to be made that directly benefit certain parcel and may declare “Improvements” (as defined in ORC §5709.73 and being generally the increase in the assessed value of real property that would first appear on the tax list and duplicate of real and public utility property after the later of the effective date of this Resolution or the commencement date as defined herein were it not for the exemption granted herein) with respect to such parcel of real property located in the Township to be a public purpose, thereby

authorizing the exemption of those Improvements from real property taxation for a period of time, and provide for the making of service payments in lieu of ad valorem real property taxes by the owner of such parcel, and establish a township public improvement tax increment equivalent fund into which such service payments shall be deposited; and

Whereas, Dressler Properties, Inc., an Ohio corporation (the “Developer”) intends to develop approximately 18.6633 acres of unimproved land located on Frank Avenue and situated in Jackson Township, Stark County, Ohio, which shall be split from Parcel No. 100-10396, and which is more particularly described and depicted in Exhibit A, attached hereto and incorporated herein (the “TIF Parcel”) and to develop such TIF Parcel by installing certain public infrastructure to service the same and further preparing the same for sale to, and subsequent development by, a large commercial retailer, which will subsequently construct a large commercial retail facility thereon; and

Whereas, the presence of the Development in the Township will benefit the Township and its residents by creating economic opportunities, increasing local employment opportunities, enlarging the property tax base, and stimulating collateral development in the Township; and

Whereas, the Township has determined that it is necessary and appropriate and in the best interests of the Township to provide for service payments in lieu of ad valorem real property taxes with respect to the improvements of the TIF Parcel, pursuant to ORC §5709.74, to pay or reimburse the costs of construction and financing of Public Infrastructure Improvements; and

Whereas, the Township will also enter into a Tax Increment Financing Agreement (“TIF Agreement”), with the property owner of the TIF Parcel, substantially in the form of the agreement attached hereto as Exhibit B, and other related agreements and documents to facilitate the successful financing and completion of the Public Infrastructure Improvements; and

Whereas, notice of this Board’s intention to declare the Improvements exempt from real property taxes and to adopt this Resolution has been delivered to the Board of Education of the Jackson Local School District in accordance with ORC §5709.83, and this Board ratifies and affirms the delivery of such notice; and,

Whereas, no compensation payments are required to be made to the Board under ORC §§5709.73(D) and 5709.82.

Now, therefore, be it resolved by the Board of Trustees of Jackson Township, Ohio, that:

Section 1. The Public Infrastructure Improvements to be made and described in Exhibit C hereto are hereby declared to be a public purpose, and directly benefit and are necessary for the development of the TIF Parcel.

Section 2. Pursuant to and in accordance with the provisions of ORC §5709.73, this Board of Trustees hereby finds and declares that 75% of the Improvements (defined above) to the TIF Parcel shall be exempt from real property taxation, for a period commencing, in accordance with ORC §5709.73, with the tax year following the year in which the Development is completed, as evidenced by the Stark County, Ohio Building Inspection Department’s issuance of a certificate of occupancy (January 1 of such year being the “Commencement Date”), and ending on the earlier of (i) the last day of the 10th full year following the Commencement Date, or (ii) the date on which the Developer

or its assigns has received reimbursement of all Eligible Costs, as defined in Section 10, below, plus interest thereon (the period commencing on the Commencement Date hereof and ending on the last such date being referred to herein as the “Exemption Period”).

Section 3. As provided in ORC §5709.74, the owner of the TIF Parcel is hereby required to and shall pay the service payments in lieu of ad valorem real property taxes to the County Treasurer of Stark County (the “County”) (unless otherwise authorized and directed in writing by the County) on or before the final dates for payment of real property taxes, which service payments in lieu of ad valorem real property taxes, together with any associated rollback payments, shall be deposited in the Township Public Improvement Tax Increment Equivalent Fund described in Section 4. Any late payments of service payments in lieu of ad valorem real property taxes shall be subject to penalty and bear interest at the then current rate established under ORC §323.121(B)(1) and ORC §5703.47, as may hereinafter be amended, or any successor provisions thereto (the late payments together with the service payments in lieu of ad valorem real property taxes, and rollback payments are referred to collectively as the “Service Payments”). The Service Payments shall be allocated and distributed to or at the direction of the Developer or its assigns to pay Eligible Costs as defined in Section 4. This Board of Trustees hereby authorizes the Trustees, the Township Administrator, the Fiscal Officer and the Law Director, and other appropriate officers of the Township, to provide such information and certifications, and execute and deliver or accept delivery of such instruments, as are necessary or incidental to collect those Service Payments, and to make such arrangements as are necessary and proper for payment of the Service Payments.

Section 4. This Board of Trustees hereby (i) establishes pursuant to and in accordance with the provisions of ORC §5709.75 the Frank Avenue Township Public Improvement Tax Increment Equivalent Fund (the “Fund”) into which there shall be deposited all of the Service Payments and any interest or late fees assessed thereon with respect to the Improvements on the TIF Parcel, as provided in ORC §5709.75 and the TIF Agreement, and (ii) agrees that moneys in the Fund shall be used solely for the purposes authorized in the Act, including to pay or reimburse any and all planning, engineering, acquisition, construction, installation, financing costs, and any and all other direct and indirect costs of the Public Infrastructure Improvements, including those costs set forth in ORC §133.15(B) and interest on amounts advanced for payments of all such costs (as further described in the TIF Agreement, collectively, “Eligible Costs”), and shall be disbursed as set forth in Section 10 of the TIF Agreement, as follows: initially, (i) \$2,500,000 with respect to payments to or on behalf of the Developer, (ii) \$1,000,000 with respect to payments by or on behalf of the Township, (iii) interest on the sums expended by the Develop, and (iv) the balance as of the revenue deposited into the Fund to the Developer, up to amount that the Developer actually expends on the Public Infrastructure Improvements, in the order of priority set forth in the TIF Agreement.

The Fund shall be maintained in the custody of the Township and shall receive all distributions of Service Payments, interest and late fees required to be made to the Township. The Fund shall remain in existence so long as the Service Payments are collected and used for the aforesaid purposes, after which said Fund shall be dissolved in accordance with Section 5709.75(F).

Section 5. This Board of Trustees hereby designates the Public Infrastructure Improvements described in Exhibit C as “public infrastructure improvements” (as defined in ORC §5709.73(A)(6)).

Section 6. Upon satisfaction by the Developer of all Township requirements relating to the commencement of construction of the Public Infrastructure Improvements, the Trustees are hereby authorized to execute the TIF Agreement on behalf of the Township, which shall include provisions regarding the construction of the Public Infrastructure Improvements providing for, among other things, the payment of Service Payments with respect to the related TIF Parcel and the use of the monies deposited in the TIF Fund, together with such revisions or additions thereto as approved by the Trustees as consistent with the objectives and requirements of this Resolution, which approval shall be conclusively evidenced by the signing of the TIF Agreement. The Trustees hereby approve the form of the TIF Agreement attached hereto as Exhibit E. The Fiscal Officer, Trustees and other appropriate Township officials are further authorized to provide such information and to execute, certify or furnish such other documents, and to do all other things as are necessary for and incidental to carrying out the provisions of the TIF Agreement.

Section 7. The Trustees, on behalf of the Township, are hereby authorized to enter into a Tax Lien Sale Agreement (the “Tax Lien Sale Agreement”) with the County in form acceptable to the Treasurer of the County and the Township to provide that the Treasurer of the County shall not sell or otherwise convey or transfer at a discount (i.e. for the less than 100% of its face value) any delinquent tax certificates associated with the TIF Parcel. The Tax Lien Sale Agreement shall be in a form not inconsistent with this Resolution and not adverse to the Township, which shall be established conclusively by the signature of the appropriate officers of the Township and approval as to form by the Law Director thereon; provided, however, the Tax Lien Sale Agreement shall become effective on the date as provided therein.

Section 8. This Board of Trustees further hereby authorizes and directs the Trustees, the Fiscal Officer, the Law Director, or other appropriate officers of the Township to sign and execute all documents and make such arrangements as are necessary and proper for collection of the Service Payments from the Developer, which are to be deposited in the Fund, and to implement the transactions described or contemplated by this Resolution.

Section 9. In accordance with ORC §5709.832, this Board of Trustees shall require in the TIF Agreement that the Developer or then-current owner, and its successors or assigns in interest to the property tax exemption authorized herein, shall not deny employment to any individual based solely on race, religion, sex, disability, color, national origin, or ancestry.

Section 10. Pursuant to the requirements of ORC §5709.85, this Board of Trustees hereby creates the Jackson Township Tax Incentive Review Council (“TIRC”), to include the membership of the TIRC constituted in accordance with ORC §5709.85. The TIRC shall, in accordance with ORC §5709.85, review annually all exemptions from taxation resulting from the declarations set forth in this Resolution and any other such matters as may properly come before the TIRC, all in accordance with ORC §5709.85. This Board of Trustees hereby directs the Township Administrator and Fiscal Officer of the Township to cooperate with Stark County and the School District in appointing the required members of the TIRC.

Section 11. Pursuant to ORC §5709.73(I), the Township Administrator is hereby directed to deliver or cause to be delivered a copy of this Resolution to the Director of the Ohio Department of Development (the “Director”) within 15 days after its passage. On or before March 31 of each year that the exemption set forth in Section 2 remains in effect, the Township Administrator, Fiscal Officer

or other authorized officer of this Township shall prepare and submit to the Director the status report required under ORC §5709.73(I).

Section 12. This Board of Trustees finds and determines that all formal actions of this Board of Trustees and of any of its committees concerning and relating to the passage of this Resolution were taken, and that all deliberations of this Board of Trustees and of any committees that resulted in those formal actions were held, in meetings open to the public in compliance with the law.

Section 13. This Resolution is declared to be an emergency measure necessary for the immediate preservation of the public peace, health and safety of the Township, and for the further reason that this Resolution is required to be immediately effective in order to enable the Township to provide for the real property tax exemption, the Service Payments, and the related objectives provided for herein that are needed to benefit the Township and its residents by creating economic opportunities, enlarging the property tax base, and stimulating collateral development within the Township; wherefore, this Resolution shall be in full force and effect immediately upon its adoption by the unanimous vote of all three (3) members elected to Board of Trustees, or otherwise at the earliest time allowed by law.

**3-0 yes**

**RESOLUTION 21-271 ATTACHED  
SCHURING PARK – ENGINEERING SERVICES MODIFICATION**

Hawke moved and Pizzino seconded a motion that whereas on April 27, 2021, pursuant to Resolution 21-085 the Board of Trustees awarded ms consultants, inc., the design of Schuring Park; and,

Whereas, due to topography challenges the design required design modification, which affected the costs, associated with the engineering services.

Be it resolved that we hereby adopt and authorize the placement of the Board Chairman’s signature upon the attached modification for Engineering Services Proposal with ms consultants, inc., with the express understanding that ms consultants, inc. receive written approval from Michael B. Vaccaro, Law Director, before beginning any task/phase of the attached described.

**3-0 yes**

**ATTACHMENT 12/21/21 F**

Hawke moved and Pizzino seconded a motion that we do not request a hearing for the Liquor Permit for Cigar 30 LLC DBA Cigar 30, 4836 Hills & Dales Rd NW, Jackson Township, Canton, OH 44708.

**3-0 yes**

**Public Works Department**

**RESOLUTION 21-272 ATTACHED  
PUBLIC WORKS CLERICAL ASSISTANT**

Hawke moved and Pizzino seconded a motion that pursuant to the Township’s Hiring Policy and ORC Section 511.10, Karla J. Lindesmith is hereby appointed as full-time Public Works Clerical Assistant for the Jackson Township Public Works Department, effective January 1, 2022, with a

two year probationary period, who shall receive an annual salary of \$39,332.80 and the benefits of a Class C employee as described in the Benefit Package for Management Personnel.

**3-0 yes**

**ATTACHMENT 12/21/21 G**

Hawke moved and Thomas seconded a motion to rescind the attached Amended Jackson Township Uniform/Work Clothes Policy (18-1), adopted on February 13, 2018, and effective February 14, 2018.

**3-0 yes**

**Highway Division**

**ATTACHMENT 12/21/21 H**

Hawke moved and Pizzino seconded a motion to approve revised Budget Module 2022-12 for reserve funds for retirement/severance payouts in the amount of \$352,763.

**3-0 yes**

**Park Division**

Rohn received one bid for the North Park Pickleball Complex from Vasco in the amount of \$229,849. He will review the bid and report back to the Board at the next meeting.

Hawke moved and Thomas seconded a motion to accept a donation of \$2,000 from the NJSL Soccer League.

**3-0 yes**

Hawked moved and Thomas seconded a motion to accept a donation of \$2,500 from the Jackson Softball League.

**3-0 yes**

**ATTACHMENT 12/21/21 I**

Hawke moved and Thomas seconded a motion to approve revised Budget Module 2022-09 for current level for Fund 316 in the amount of \$238,187.

**3-0 yes**

**Central Maintenance Division**

**ATTACHMENT 12/21/21 J**

Hawke moved and Thomas seconded a motion to approve an unpaid leave of absence, effective December 15, 2021 through December 17, 2021, for Public Works Maintenance Worker, Joseph S. Futrell, with the exception that the unpaid leave of absence terminates if the employee returns to work full-time without restriction, or separates from Township employment, or separates pursuant to an OPERS approved benefit. Employee shall be responsible for his employee share of extended health benefits from December 4, 2021 through December 17, 2021.

## **Fire Department**

### **ATTACHMENT 12/21/21 K**

Hawke moved and Thomas seconded a motion to accept the attached resignation from full-time Fire Captain, Robert J. Leahy II, effective January 24, 2022 at 08:00 hours.

**3-0 yes**

Chief Berczik said that Captain Leahy requested to address the Board.

Leahy thanked the Board for giving him the opportunity to speak. "I've been in this room many times, some pleasant memories, some very average, its ok. But as you already know, you've been informed, that I am leaving Jackson Township Fire Department on the 24<sup>th</sup> of January. It's a bittersweet notice and for some of you it may come as a surprise. But to my good fortune, I've been given an unexpected, very, very good opportunity. One that will be beneficial for myself and my family and allow me to be part of the Stark County community and the fire family. I can continue with being part of this great community. Much of the skill set necessary for this new endeavor has been afforded to me here at Jackson Township. I've been able to groom my abilities and skills through years of training, collaboration and interaction with you, the Trustees, the fire department administration, outside agencies and the community. This is priceless and for that, I thank you all. My decision to move on was not easy. I believe I'm leaving Jackson Township at the top of my game. I feel I've been able to share my skills and my knowledge and the passion I have with those I work with. I strive to keep enthusiasm and positivity and the desire to learn and grow flowing through all these members. Because of this, I feel very confident that I've been a part of growing the foundation of this department. Any building, if you don't continue on that strong foundation, and you get to the top and someone here feels they are at the top and the building's done, we are all foundation (inaudible) and we continue. Some people probably get tired of me saying 'Be good at a few things, be great at a few things, instead of mediocre in a lot.' And others get tired of hearing me say 'Do what's best for the organization.' At this time, I've been given the opportunity to go on and be good at some new things and hopefully become great and stay out of the mediocrity. You guys are all my friends and I appreciate you. Thank you."

Gonzalez thanked Captain Leahy for all he has done for our community and acknowledged that this must have been a very tough decision. Gonzalez said that Leahy's passion for the department has always been noticed and this is a tremendous loss for the department. Chief Berczik acknowledged Captain Leahy as a big contributor to the department's tech rescue series and developing the department's tower rescue concepts. Hawke thanked Captain Leahy and told him that he appreciates the work they've done together. Hawke added that he is glad that he is staying in the community.

### **ATTACHMENT 12/21/21 L**

Hawke moved and Thomas seconded a motion to approve a Then & Now Certificate for purchase order MVF21572 to Tritech Software Systems in the amount of \$15,000.00 for the Respond billing annual maintenance fee.

**3-0 yes**

**Fiscal Office**

**ATTACHMENT 12/21/21 M**

Hawke moved and Pizzino seconded a motion to pay the bills in the amount of \$879,584.10.

**3-0 yes**

**ATTACHMENT 12/21/21 N**

Hawke moved and Pizzino seconded a motion to approve the minutes of the December 7, 2021 Board of Trustees' Meetings.

**3-0 yes**

**ATTACHMENT 12/21/21 O**

Hawke moved and Thomas seconded a motion to approve the Request for Additional Amended Certificate in the amount of \$2,236.09.

**3-0 yes**

**ATTACHMENT 12/21/21 P**

Hawke moved and Thomas seconded a motion to approve Supplemental Appropriations in the amount of \$2,236.09.

**3-0 yes**

Gonzalez explained that the amount of the Amended Certificate and Supplemental Appropriations represent the interest that was earned on the CARES Act fund in 2021.

**ATTACHMENT 12/21/21 Q**

Hawke moved and Thomas seconded a motion to approve the 2022 Permanent Appropriations of \$62,980,178.78 classified by fund & department and, within each, the amount for personal services as attached.

**3-0 yes**

**ATTACHMENT 12/21/21 R**

Hawke moved and Pizzino seconded a motion to approve the appropriation transfer request from account code 190.110.5652 Admin-Equipment Purchase to 190.204.5110 Public Works-Salaries, in the amount of \$3,047.00.

**3-0 yes**

**ATTACHMENT 12/21/21 S**

Hawke moved and Thomas seconded a motion to approve CARES Act expenditures of \$5,283.09 for 2021 COVID cleaning by Public Works/Park personnel.

**3-0 yes**

**Routine Business**

**Announcements**

- Next regular **Board of Trustees'** meeting, January 11, 2022, 4:00 p.m., Executive Session and/or Work Session; 5:00 p.m., General Session, Jackson Township Hall.

- **LOGIC**, January 6, 2022, 9:00 a.m., Jackson Safety Center.
- **Board of Zoning Appeals**, January 13, 2022, 5:00 pm at Jackson Township Hall
- **Yard Debris/Waste Site**, Closing date is January 17, 2022

**Old Business – None**

**New Business**

**RESOLUTION 21-273 ATTACHED**

**POLICE DEPARTMENT FULL-TIME POLICE OFFICER CONDITIONAL APPOINTMENT**

Hawke moved and Thomas seconded a motion that pursuant to ORC Section 505.49 and 509.01, we hereby appoint Kyle D. Trsinar, as a Full-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 21-274 ATTACHED**

**POLICE DEPARTMENT FULL-TIME POLICE OFFICER CONDITIONAL APPOINTMENT**

Hawke moved and Thomas seconded a motion that pursuant to ORC Section 505.49 and 509.01, we hereby appoint David T. Male, as a Full-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**

**ATTACHMENT 12/21/21 T**

Hawke moved and Thomas seconded a motion to adopt the attached Amended Benefit Package for Management Personnel (Hired prior to July 1, 2012 and Hired after July 1, 2012), effective January 1, 2022, which shall supersede all previous Benefit Packages for Management Personnel.

**3-0 yes**

**Public Speaks- None**

Hawke moved and Thomas seconded a motion to adjourn.

**3-0 yes**

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**Todd Hawke**

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**Randy Gonzalez**