

RECORD OF PROCEEDINGS

MINUTES OF JACKSON TOWNSHIP BOARD OF TRUSTEES MEETING

FEBRUARY 14, 2023

Hawke called the meeting to order at 3:00 p.m. at the Jackson Township Hall with Trustees Todd Hawke, Justin Hardesty, and John Pizzino present. Fiscal Officer Gonzalez, Administrator / Law Director Vaccaro, Police Chief Brink, Fire Chief Berczik, Zoning Inspector Poindexter, and Public Works Director Rohn were also in attendance.

The first order of business was a work session to discuss various Amphitheater topics including the Ticket/Pass Donation Policy, the Beverage Sales Drawing Procedure, and the 2023 Credentials.

Hawke moved and Pizzino seconded a motion to go into Executive Session for Fire Department Personnel (Appointment / Employment / Compensation) – Interview Secretary 2 Candidate.

Hawke – yes
Hardesty - yes
Pizzino – yes

Hawke moved and Pizzino seconded a motion to go into Executive Session for Police Department Personnel (Appointment / Employment / Compensation) – Interview Police Patrol Officer Candidates.

Hawke – yes
Hardesty - yes
Pizzino – yes

Hawke moved and Pizzino seconded a motion to go into Executive Session for Police Department Personnel (Appointment / Employment / Compensation) – Discipline.

Hawke – yes
Hardesty - yes
Pizzino – yes

Hawke moved and Pizzino seconded a motion to go into Executive Session for conferences with an attorney for the public body concerning disputes involving the public body that are the subject of pending or imminent court action.

Hawke – yes
Hardesty - yes
Pizzino – yes

Hawke called the General Session to order at 5:00 p.m. He requested that all cell phones be silenced at this time.

The Pledge of Allegiance was recited.

The Fire Department presented Community Hero Awards to a group of gentlemen for their quick actions to save a man's life on January 15, 2023.

Public Speaks - None

Administration Department

Hawke moved and Pizzino seconded a motion to accept a donation in the amount of \$30,000 from MCTV.

3-0 yes

ATTACHMENT 02/14/23 A

Hawke moved and Hardesty seconded a motion to approve the appropriation transfer request from account code 319.110.5387, GF Capital – Discretionary, to account code 319.110.5765, GF Capital – Amphitheater, in the amount of \$628,700.00.

3-0 yes

**RESOLUTION 23-029 ATTACHED
CYBERSECURITY INCIDENT RESPONSE PLAN**

Hawke moved and Hardesty seconded a motion that we hereby adopt and authorize the attached Cybersecurity Incident Response Plan, effective immediately.

3-0 yes

ATTACHMENT 02/14/23 B

Hawke moved and Pizzino seconded a motion to authorize Trustee Hardesty, or his designee, as the Board of Trustees’ representative to attend the annual Stark County Health District Advisory Council Meeting on Thursday, March 2, 2023, at 7:00 p.m., at the Stark County Health Department, 7235 Whipple Ave NW, Jackson Township, 44720.

3-0 yes

Police Department

**RESOLUTION 23-030 ATTACHED
APPOINTMENT OF FULL-TIME POLICE PATROL OFFICER**

Hawke moved and Hardesty seconded a motion that pursuant to ORC Sections 505.49 and 509.01, we hereby appoint Andrew K. Smith to the position of full time Patrol Officer and Police Constable for the Jackson Township Police District Department, Stark County, Ohio, effective March 4, 2023 at 0600 hours, at the annual salary of \$63,478.65, and the benefits contained in the Patrol Officer’s Negotiated Agreement between the Board of Trustees of Jackson Township and the Fraternal Order of Police, Ohio Labor Council, Inc..

Be it further resolved that, Andrew K. Smith shall complete a probationary period in accordance with Article 36 of the Negotiated Agreement.

3-0 yes

ATTACHMENT 02/14/23 C

Hawke moved and Hardesty seconded a motion to approve a Then & Now Certificate for purchase order RG23290 in the amount of \$32,000.00 for the City of Massillon.

3-0 yes

**RESOLUTION 23-031 ATTACHED
POLICE DEPARTMENT VEHICLE PURCHASE**

Hawke moved and Hardesty seconded a motion that pursuant to ORC Section 125.04, we hereby adopt and authorize the placement of the Board Chairman's signature upon the attached quote with Tim Lally Chevrolet for the purchase of one (1) 2024 Chevrolet Tahoe SSV in the amount of \$48,049.00 as the price is the State Purchasing Contract price.

3-0 yes

Public Works Department

Highway Division

5:00 p.m. Bid Openings

2023 Material Bids:

1. Geauga Highway Co.
2. HEI-WAY LLC
3. Northstar Asphalt

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

**RESOLUTION 23-032 ATTACHED
HIGHWAY LABOR SPECIALIST, PUBLIC WORKS DEPARTMENT, HIGHWAY
DIVISION**

Hawke moved and Pizzino seconded a motion that we hereby authorize the employment of Richard T. Dustman for the full-time position of Highway Labor Specialist, Public Works Department, Highway Division, at the Step 3 starting rate of \$24.8851, effective February 9, 2023, at 0600 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 Richard T. Dustman 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

**RESOLUTION 23-033 ATTACHED
ROAD OPENING REGULATIONS**

Hawke moved and Pizzino 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 necessary resolutions which are necessary for the promotion of the public health, safety, and general welfare; and

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.

Whereas, often Jackson Township is not notified by utility companies as to the need to open cut a road in order to replace damaged utilities. As a result, the road-right-of way is not properly repaired following the repair to the utility service.

Be it resolved that, effective March 16, 2023, pursuant to Ohio Revised Code Sections 504.04 (A)(1) and (2), 504.05, 504.06, and 504.07 we hereby adopt the attached Road Opening Regulations and fines for violations thereof, and further adopt the attached citation form and request the Township Fiscal Officer to publish the attached notice.

Be it further resolved that, the Board of Trustees determines this Resolution is in the best interest of the public health, safety, and general welfare of the public, and that this Resolution is reasonable and consistent with constitutional limitations.

Be it further resolved that, signs shall be posted at the site consistent with the regulations approved and attached hereto.

Be it further resolved that, pursuant to ORC Section 504.10, we hereby dispense with the requirement that this resolution be read on two separate days and authorize the passage of this resolution upon its first reading.

3-0 yes

**RESOLUTION 23-034 ATTACHED
STANDARD DRIVEWAY SPECIFICATION REGULATIONS**

Hawke moved and Hardesty 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 necessary resolutions which are necessary for the promotion of the public health, safety, and general welfare; and

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.

Whereas, often Jackson Township is not notified as to the placement and installation of new driveways, which on occasion are being installed in locations which interfere with existing infrastructure in the road-right-of way.

Be it resolved that, effective March 16, 2023, pursuant to Ohio Revised Code Sections 504.04 (A)(1) and (2), 504.05, 504.06, and 504.07 we hereby adopt the attached Standard Driveway Regulations and fines for violations thereof, and further adopt the attached citation form and request the Township Fiscal Officer to publish the attached notice.

Be it further resolved that, the Board of Trustees determines this Resolution is in the best interest of the public health, safety, and general welfare of the public, and that this Resolution is reasonable and consistent with constitutional limitations.

Be it further resolved that, signs shall be posted at the site consistent with the regulations approved and attached hereto.

Be it further resolved that, pursuant to ORC Section 504.10, we hereby dispense with the requirement that this resolution be read on two separate days and authorize the passage of this resolution upon its first reading.

3-0 yes

Park Division

Hawke moved and Hardesty seconded a motion to accept the following sponsorship donations to the 2023 Community Celebration:

1. \$1,500.00 from Canton Regional Chamber of Commerce
2. \$1,750.00 from BellStores
3. \$500.00 from First Commonwealth

3-0 yes

ATTACHMENT 02/14/23 D

Hawke moved and Pizzino seconded a motion to approve the attached Farmers Market Rules and Regulations effective February 15, 2023.

3-0 yes

RESOLUTION 23-035 ATTACHED AMENDED PARK RULES AND REGULATIONS

Hawke moved and Pizzino seconded a motion that whereas, the Park Rules and Regulations were last amended pursuant to Resolution 17-060, on April 25, 2017.

Be it resolved that pursuant to Ohio Revised Code Sections 504.04 (A)(1) and (2), 504.05, 505.261 and 511.32, we hereby amend, adopt and approve the attached Amended Park Rules and Regulations, effective 30 days from the enactment of this Resolution and request the Fiscal Officer publish the attached Notice of this Resolution.

Be it further resolved that we adopt the attached citation form required by Ohio Revised Code Sections 504.06 and 504.07, and that the within Resolution and Rules and Regulations replaces all prior adopted Rules and Regulations.

Be it further resolved that the Board of Trustees by a majority vote hereby dispense with the requirement that this resolution be read on two separate days, and authorize the adoption of a resolution upon its first reading.

3-0 yes

Amphitheater Division

RESOLUTION 23-036 ATTACHED AMPHITHEATER BAND BOOKING AGREEMENT

Hawke moved and Pizzino seconded a motion that whereas, the Board of Trustees owns the Jackson Amphitheater in Jackson Township, Stark County, Ohio.

Whereas, the Board of Trustees has determined that, as part of its programming for the Jackson Amphitheater, the acts identified in the attached contracts are to be engaged for performances for the 2023 season.

Be it resolved that we hereby adopt and authorize the placement of the Board Chairman's signature upon the attached Booking Agreement for the following band:

1. Canton Concert Band

3-0 yes

REOLUTION 23-037 ATTACHED AMPHITHEATER WATER & SANITARY EXTENSION

Hawke moved and Hardesty seconded a motion that we hereby approve and authorize the placement of the Board Chairman's signature on the attached Proposal with Bachtel Excavating for the Amphitheater Water & Sanitary Extension work in the amount of \$38,865.00.

3-0 yes

ATTACHMENT 02/14/23 E

Hawke moved and Pizzino seconded a motion to approve the appropriation transfer request from account code 207.530.5450, Free Events – Amphitheater, to account code 207.530.5432, Computer Services – Amphitheater, in the amount of \$1,575.00.

3-0 yes

Gonzalez congratulated the Amphitheater Division for the grant they received in the amount of \$7,000.00 from VisitCanton.

Fire Department

ATTACHMENT 02/14/23 F

Hawke moved and Hardesty seconded a motion to accept the attached resignation from part-time Firefighter / Paramedic, Shiloh N. Bailey, effective, January 22, 2023, at 0800 hours.

3-0 yes

RESOLUTION 23-038 ATTACHED FIRE DEPARTMENT VEHICLE PURCHASE

Hawke moved and Hardesty seconded a motion that pursuant to ORC Section 125.04, we hereby adopt and authorize the placement of the Board Chairman's signature upon the attached quote with Tim Lally Chevrolet for the purchase of three (3) 2024 Chevrolet Tahoe SSV vehicles in the amount of \$48,054.00 per vehicle for a total purchase price of \$144,162.00 as the price is the State Purchasing Contract price.

3-0 yes

Zoning and Planning Department

5:00 p.m. - Public Hearing

Zoning Amendment 2022834 - Mark Haymaker, Haymaker Tree & Lawn, property owner, proposes to rezone the rear portion of parcel # 10016305, also known as 7192 Wales approx.. 2.33 acres of a 6.165 acre tract from R-R Rural Residential District to B-3 Commercial Business District.

Poindexter communicated that the Zoning Commission met on January 19, 2023 and unanimously voted for approval of the Zoning Amendment 2022834.

Mark Haymaker, 6919 Lake O Springs. He is in favor of the re-zone.

ATTACHMENT 02/14/23 G

Hawke moved and Pizzino seconded a motion to accept the recommendation of the Zoning Commission as attached.

Hawke – yes
Hardesty – yes
Pizzino – yes

5:15 p.m. - Public Hearing

Zoning Amendment 2022861 - Mark Smith agent for Michael Houska, property owner, proposes to rezone Parcel # 1700223 Whipple, also known as 3445 Whipple approx. 0.54 acres from B-1 Suburban Office and Limited Business District to B-2 Neighborhood Business District.

Poindexter communicated that the Zoning Commission met on January 19, 2023 and unanimously voted for approval of the Zoning Amendment 2022861.

Mark Smith, 641 W Market St., Akron, OH 44303. He is requesting the re-zone in order to remove a residence and build a 1900 sq. ft. mixed office / retail space.

Pizzino agrees that it is a nice area and it would be an improvement if the existing structure were removed.

ATTACHMENT 02/14/23 H

Hawke moved and Hardesty seconded a motion to accept the recommendation of the Zoning Commission as attached.

Hawke – yes
Hardesty – yes
Pizzino – yes

Fiscal Office

ATTACHMENT 02/14/23 I

Hawke moved and Pizzino seconded a motion to pay the bills in the amount of \$2,388,014.17.

3-0 yes

ATTACHMENT 02/14/23 J

Hawke moved and Pizzino seconded a motion to approve the minutes of the January 24, 2023 Board of Trustees' Meeting.

3-0 yes

ATTACHMENT 02/14/23 K

Hawke moved and Pizzino seconded a motion to approve the monthly reports for January 2023.

3-0 yes

5:00 p.m. – Public Hearing

Berkshire Farms 2 & 3 Street Lighting District. No one spoke in favor of or against the issue.

**RESOLUTION 23-039 ATTACHED
BERKSHIRE FARMS 2 & 3 LIGHTING DISTRICT**

Hawke moved and Pizzino seconded a motion that be it resolved that a hearing having been had upon the attached petition requesting that the Board of Jackson Township Trustees take all lawful and proper proceedings to light artificially the streets and public ways in an unincorporated district in this Township, following notice and actual view taken, and the Board of Township Trustees finding:

(1) That the petition was filed with the Township Fiscal Officer on January 17, 2023 and that the Board of Township Trustees was duly notified by him of such filing and a copy of the petition was delivered to it on January 17, 2023.

(2) That the petition was signed by owners of more than one-half of the front feet of the lots and lands abutting on the streets and public ways of the aforesaid district, and that the petition complied with the law in specifying the metes and bounds of the district but included no lands more than 660 feet from, nor any lands not abutting on, the streets and public ways in such districts; and

(3) That due notice of a hearing before the Board of Township Trustees on the petition for Berkshire Farms 2 & 3 was duly and timely served on all lot owners and corporation affected by the proposed improvement, and was duly and timely published as against nonresidents pursuant to ORC 515.04, and return of due service and publication was made according to law.

Be it further resolved by the Board of Trustees of Jackson Township, Stark County, Ohio, that the proposed improvement to light artificially the streets and public ways in the district is necessary, and the petition is granted accordingly; that the number of lights necessary to light properly the streets and public ways is 9, that the lights shall be standard street light lumens; that they shall be located at the places described in the attached print; and that the kind of supports therefore shall be as described on the attached Information Agreement Form.

Be it further resolved that, pursuant to ORC Sections 9.30 and 515.08 and in accordance with the Information Agreement with Ohio Edison, we hereby contract with Ohio Edison for not less than one (1) year and shall continue thereafter until terminated sixty (60) days after either party has given written notice to the other of the intention to terminate, for the operating costs of the lights described in the attached plan in the amount of approximately \$21.09 per light per month for a

total of \$253.08 per year on Greenview Avenue NW and approximately \$16.87 per light per month for a total of \$202.44 per year on Emerson Circle NW and Litchfield Avenue NW. The Developer is responsible for payment of the installation cost and/or connection fee for this street lighting.

Be it further resolved that the costs and expenses of furnishing and maintaining such lights shall be paid from a fund made by special assessment against the lots and lands in the district semiannually equally per lot and the Fiscal Officer shall certify the assessment to the Stark County Auditor's Office.

3-0 yes

Hawke moved and Pizzino seconded a motion to set a public hearing on February 28, 2023, at 5:00 p.m. for the Hillfield & Sandpiper Lighting Petition.

3-0 yes

Gonzalez and Brink explained the benefits of the new time clock system being purchased and emphasized the accountability that it would bring from each employee.

**RESOLUTION 23-040 ATTACHED
TIME MANAGEMENT SOFTWARE PURCHASE**

Hawke moved and Hardesty seconded a motion that we hereby adopt and authorize the placement of the Fiscal Officer's signature upon the attached quote with TimeClock Plus, LLC for the purchase of the attached described equipment in the amount of \$28,960.88.

3-0 yes

ATTACHMENT 02/14/23 L

Hawke moved and Pizzino seconded a motion to approve a Then & Now Certificate for purchase order RG23312 in the amount of \$4,524.82 for Meeder Public Funds.

3-0 yes

Routine Business

Announcements

- Next regular **Board of Trustees'** meeting, February 28, 2023, 4:00 p.m., Executive Session and/or Work Session; 5:00 p.m., General Session, Jackson Township Hall.
- **CIC**, February 16, 2023, 9:00 a.m., Jackson Township Hall.
- **LOGIC**, March 2, 2023, 9:00 a.m., Jackson Safety Center – Chief's Conference Room.
- **Zoning Meetings:** (Jackson Township Hall)
 - **Zoning Commission** – February 16, 2023, 5:00 p.m.
 - **Board of Zoning Appeals** – March 9, 2023, 5:00 p.m.

Old Business - None

New Business

ATTACHMENT 02/14/23 M

Hawke moved and Hardesty seconded a motion to accept the attached retirement notice from full-time Firefighter / Paramedic, Mark A. Stewart, effective, February 25, 2023, at 0800 hours.

3-0 yes

RESOLUTION 23-041 ATTACHED

FULL-TIME FIRE DEPARTMENT SECRETARY 2 CONDITIONAL APPOINTMENT

Hawke moved and Hardesty seconded a motion that we hereby appoint Rachel E. Gue to the full-time position of Secretary 2 for the Jackson Township Fire Department conditioned upon successful completion of the background check, negative drug screen, and any other testing requirements.

3-0 yes

RESOLUTION 23-042 ATTACHED

POLICE DEPARTMENT FULL-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 Tanor J. English, 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 23-043 ATTACHED

POLICE DEPARTMENT FULL-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 A. Roberts, 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 02/14/23 N

Hawke moved and Pizzino seconded a motion to adopt and authorize the implementation of the Nash Family Jackson Amphitheater Season Pass Donation Policy and Addendum A as attached, effective immediately.

3-0 yes

Public Speaks - None

Hawke moved and Pizzino seconded a motion to adjourn.

3-0 yes

Todd Hawke

Randy Gonzalez