

RECORD OF PROCEEDINGS

MINUTES OF JACKSON TOWNSHIP BOARD OF TRUSTEES MEETING

MAY 9, 2023

Hawke called the meeting to order at 4:00 p.m. at the Jackson Township Hall with Trustees Todd Hawke, Justin Hardesty, and John Pizzino present. Fiscal Officer Gonzalez, Administrator / Law Director Vaccaro, Assistant Law Director FitzSimmons, Police Chief Brink, Deputy Fire Chief Crable, Zoning Inspector Poindexter, and Public Works Director Rohn were also in attendance.

The first order of business was a work session to discuss the proposed amendments to the Park Rules and Regulations.

Hawke moved and Hardesty seconded a motion to go into recess until 5:00 p.m.

3-0 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.

Public Speaks - None

Administration Department

ATTACHMENT 05/09/23 A

Hawke moved and Pizzino seconded a motion to authorize temporary closure of road and the Yard Waste and Debris Site, and to initiate a temporary parking ban for the 2023 Community Celebration, the 5K Run and Fireworks display in accordance with the attached memorandum from the Township Administrator.

3-0 yes

ATTACHMENT 05/09/23 B

Hawke moved and Hardesty seconded a motion to approve and adopt the attached Amended Jackson Township Personnel Files and Records Policy, effective May 9, 2023.

3-0 yes

ATTACHMENT 05/09/23 C

Hawke moved and Pizzino seconded a motion to approve and adopt the attached Amended Jackson Township General Conduct Policy, effective May 9, 2023.

3-0 yes

ATTACHMENT 05/09/23 D

Hawke moved and Hardesty seconded a motion to approve and adopt the attached Amended Jackson Township Outside Employment & Activities Policy, effective May 9, 2023.

3-0 yes

ATTACHMENT 05/09/23 E

Hawke moved and Hardesty seconded a motion to approve the amendment to the Township’s Purchase Order Documentation Policy.

3-0 yes

Legal Department

RESOLUTION 23-097 ATTACHED

CONVEYANCE OF PROPERTY; DECLARATION OF COVENANTS, EASEMENTS, AND RESTRICTIONS

Hawke moved and Hardesty seconded a motion that whereas, the Township is the fee owner of approximately 27.77 acres of land and improvements located thereon, also known as Parcel Number 10011532 (the “Township Property”);

Whereas, the Township entered into that certain Contract for Sale of Land for Private Development with Renaissance Enterprise Leasing, Inc. (“RELI”) dated as of July 15, 2019 (the “Contract”) with respect to a portion of the Township Property (the “RELI Parcel”);

Whereas, pursuant to the Contract and to accommodate the timing of recording of a lot split to create the RELI Parcel, the Township and RELI entered into that certain Ground Lease dated as of July 15, 2019 (the “Ground Lease”) with respect to the RELI Parcel;

Whereas, pursuant to the Ground Lease, upon the Township’s recording of the lot split, the Ground Lease will terminate and the Township will convey the RELI Parcel to RELI;

Whereas, pursuant to the Contract and prior to conveyance, the Township will record a Declaration of Covenants, Easements, and Restrictions in the form attached hereto (the “Declaration”);

Whereas, subsequent to the execution of the Contract and the Ground Lease, RELI performed certain work and constructed certain improvements on the RELI Parcel and the remainder of the Township Property (the “RELI Work”), as set forth on Exhibit B to the Declaration, the cost of which totaled approximately \$339,000; and

Whereas, in consideration of the RELI Work, RELI has requested conveyance of the entirety of the Property to RELI.

Be It Resolved That:

1. Pursuant to Section 505.10(A)(6) of the Ohio Revised Code, we determine that the Township Property is not needed for public use and elect to convey the Township Property to RELI in consideration of the completion of the RELI Work and otherwise on the terms and conditions of the Contract.
2. We hereby adopt and authorize the placement of our signatures on the attached Declaration and the recording of the same in the Official Records of Stark County, Ohio.

3-0 yes

**RESOLUTION 23-098 ATTACHED
VEGETATIVE BUFFER EASEMENTS**

Hawke moved and Hardesty seconded a motion that whereas pursuant to Resolutions 22-243, 22-244, 22-245, and 22-246, the Township entered into certain Vegetative Buffer Easements (collectively, the “Easements”) granting certain rights to multiple grantees (collectively, the “Grantees”) on property owned by the Township, as described therein (the “Township Property”);

Whereas, because of ongoing negotiations with Renaissance Enterprise Leasing, Inc. with respect to the Township Property, the Township elected to defer delivery of the executed Easements to the Grantees.

Whereas, since such negotiations have been completed, the Township intends to deliver the Easements to the Grantees and record the same.

Be it resolved that we hereby authorize the delivery of the Easements to the Grantees and the recording thereof in the Official Records of Stark County, Ohio.

3-0 yes

Police Department

ATTACHMENT 05/09/23 F

Hawke moved and Pizzino seconded a motion to approve a Then & Now Certificate for purchase order RG23418 in the amount of \$21,085.00 to General RV Centers.

3-0 yes

Public Works Department

Highway Division

**RESOLUTION 23-099 ATTACHED
2023 PAINT STRIPING OF ROADWAYS PROJECT AWARD**

Hawke moved and Hardesty seconded a motion that we hereby determine that A&A Safety, Inc. is the lowest and best bidder for the 2023 Paint Striping of Roadways Project and hereby award a Contract to them in the base bid amount of \$65,123.22 with Alternates A, B, C, and D in the amount of \$8,876.47 for a total contract amount of \$73,999.69, or the sum of materials or the work actually used as accepted by the Township, whichever is less, subject to additions and deductions by Change Orders properly approved and executed in accordance with the Company’s proposal and the Specifications and authorize the placement of the Board’s signatures on the Contract.

3-0 yes

**RESOLUTION 23-100 ATTACHED
2023 RESURFACING PROJECT AWARD**

Hawke moved and Pizzino seconded a motion that we hereby determine that Superior Paving & Materials, Inc. is the lowest and best bidder for the 2023 Resurfacing Project and hereby award a Contract to them in the base bid amount of \$1,943,047.14 with Alternates A, B, C, and D in the amount of \$60,254.30, for a total Contract amount of \$2,003,301.44, or the sum of materials or the work actually used as accepted by the Township, whichever is less, subject to additions and deductions by Change Orders properly approved and executed in accordance with the Company’s

proposal and the Specifications and authorize the placement of the Board's signatures on the Contract.

3-0 yes

ATTACHMENT 05/09/23 G

Hawke moved and Pizzino seconded a motion to approve the appropriation transfer request from account code 317.310.5387, Discretionary – Hwy, to account code 317.310.5652, Equip Purchase - Hwy, in the amount of \$5,400.00.

3-0 yes

Park Division

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

1. \$750.00 from Young Truck Sales, Inc.
2. \$570.00 valued in-kind donation of a dumpster from Republic Services
3. \$500.00 from Buehler's Fresh Foods
4. \$250.00 from Rush Truck Center
5. \$250.00 from Canton Regency
6. \$250.00 from Patriot Title Agency
7. \$200.00 from Lloyd Seifer FOP Lodge #206
8. \$100.00 from Fedorko Chiropractic Health Center

3-0 yes

RESOLUTION 23-101 ATTACHED

PARK CREW LEADER, PUBLIC WORKS DEPARTMENT, PARK DIVISION

Hawke moved and Hardesty seconded a motion that we hereby authorize the hiring of David W. Burt, a full-time Park Crew Leader, Public Works Department, Park Division, at the Step 2 starting rate of \$21.9975, effective May 8, 2023, at 0659 hours, 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, contingent upon a negative pre-employment drug screen.

Be it further resolved that David W. Burt 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 23-102 ATTACHED

PARK CREW LEADER, PUBLIC WORKS DEPARTMENT, PARK DIVISION

Hawke moved and Hardesty seconded a motion that we hereby authorize the hiring of Matthew V. Valli, a full-time Park Crew Leader, Public Works Department, Park Division, at the Step 2 starting rate of \$21.9975, effective May 15, 2023, at 0700 hours, 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, contingent upon a negative pre-employment drug screen.

Be it further resolved that Matthew V. Valli 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

ATTACHMENT 05/09/23 H

Hawke moved and Pizzino seconded a motion to authorize the hiring of three (3) new leased Park Maintenance Workers, as attached, through a temporary service, subject to a negative drug screen, effective and at the rate and start date identified in the attached memorandum from Michael Danner.

3-0 yes

Amphitheater Division

**RESOLUTION 23-103 ATTACHED
COMMUNITY CELEBRATION SPONSORSHIP AGREEMENT**

Hawke moved and Pizzino seconded a motion that whereas, the Board of Trustees plans and operates the Community Celebration in Jackson Township, Stark County, Ohio; and,

Whereas, the Board of Trustees seeks sponsorships to offset programming costs for the Community Celebration.

Be it resolved that, we hereby adopt and authorize the placement of the Board Chairman's signature upon the attached Sponsorship Addendum with Meijer.

3-0 yes

Fire Department

**RESOLUTION 23-104 ATTACHED
AMBULANCE BILLING POLICY**

Hawke moved and Pizzino seconded a motion that whereas, on August 8, 2011, in Resolution No. 11-088, we adopted an amended policy for an ambulance and emergency medical services fee.

Be it resolved that, effective June 1, 2023, we hereby adopt the attached amended ambulance and emergency medical service fee policy and that Resolution No. 11-088 is hereby replaced by this Resolution.

3-0 yes

**RESOLUTION 23-105 ATTACHED
STATION 3 FLOORING PURCHASE**

Hawke moved and Hardesty seconded a motion that we hereby adopt and authorize the placement of the Board Chairman's signature upon the attached quote with Canton Floors, Inc. for the purchase of new flooring at Fire Station 3 in the amount of \$25,344.00.

3-0 yes

ATTACHMENT 05/09/23 I

Hawke moved and Hardesty seconded a motion to approve an unpaid leave of absence for Full-time Secretary 2, Rachel Gue, commencing May 15, 2023 through May 19, 2023.

3-0 yes

Fiscal Office

ATTACHMENT 05/09/23 J

Hawke moved and Pizzino seconded a motion to pay the bills in the amount of \$1,573,890.63.

3-0 yes

ATTACHMENT 05/09/23 K

Hawke moved and Pizzino seconded a motion to approve the minutes of the April 25, 2023 Board of Trustees' Meeting.

3-0 yes

ATTACHMENT 05/09/23 L

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

3-0 yes

ATTACHMENT 05/09/23 M

Hawke moved and Pizzino seconded a motion to approve the appropriation transfer request from account code 307.150.5495, Street Lighting Assessments - Fiscal, to account code 307.150.5385, Other Expenses - Street Lights, in the amount of \$2,108.00.

3-0 yes

ATTACHMENT 05/09/23 N

Hawke moved and Hardesty seconded a motion to approve the Request for Additional Amended Certificate in the amount of \$549,000.00.

3-0 yes

ATTACHMENT 05/09/23 O

Hawke moved and Hardesty seconded a motion to approve Supplemental Appropriations in the amount of \$594,100.00.

3-0 yes

ATTACHMENT 05/09/23 P

Hawke moved and Hardesty seconded a motion to approve a Then & Now Certificate for purchase order RG23432 in the amount of \$10,158.00 to the Ohio Bureau of Workers Compensation.

3-0 yes

Routine Business

Announcements

- Next regular **Board of Trustees'** meeting, May 23, 2023, 4:00 p.m., Executive Session and/or Work Session; 5:00 p.m., General Session, Jackson Township Hall.

- **Jackson Township Records Commission Meeting**, May 23, 2023, 5:00 p.m., Jackson Township Hall.
- **CIC**, None – May 18th meeting will be rescheduled.
- **LOGIC**, June 1, 2023, 9:00 a.m., Jackson Safety Center – Chief’s Conference Room.
- **Zoning Meetings:** (Jackson Township Hall)
 - **Board of Zoning Appeals** – May 11, 2023, 5:00 p.m.
 - **Zoning Commission** – May 18, 2023, 5:00 p.m.
- **Free Concert**, Eric Brooke’s Tribute to Michael Stanley, Thursday, May 25, 2023, The Nash Family Jackson Amphitheater. Gates open at 5:30 p.m., Concert begins at 6:30 p.m.
- **Movie in the Park – Minions: The Rise of Gru**, Friday, May 26, 2023, The Nash Family Jackson Amphitheater, Gates open at 5:30 p.m. and movie starts at 6:30 p.m.

Zoning and Planning Department

ATTACHMENT 05/09/23 Q

Hawke moved and Pizzino seconded a motion to approve an unpaid leave of absence, effective May 8, 2023 to June 20, 2023, for full-time Assistant Zoning Inspector, Courtney E. Barson, with the exception that the unpaid leave of absence terminates earlier, if the employee returns to work full-time without restriction prior to exhausting her remaining FMLA balance, or separates from Township employment, or separates from Township employment pursuant to an OPERS approved benefit (retirement or disability). Employee shall be responsible for her employee share of extended health benefits from May 8, 2023, until she returns to active payroll status or separates.

3-0 yes

5:00 p.m. - Public Hearing

Zoning Amendment 2023099 - MB3 Enterprises LLC, property owner, 7266 Portage NW, Suite A, Massillon, OH 44646 requests to rezone R-R Rural Residential District to B-3 Commercial Business District approx. 0.44 acres, more or less, along the western portion of a 3.27 acre tract, Parcel #1629926, located at 7251 Wales NW (aka 7034 Braucher), Sect. 9SE Jackson Twp.

Poindexter confirmed that the Zoning Commission recommended approval of the rezone on April 13, 2023.

Mark Memmer, 7266 Portage St. He owns the property at 7034 Braucher. It is currently zoned B-3. A while back, one of his clients requested additional parking spaces for his business and Mr. Memmer discovered that a strip of land on his parcel was zoned R-R, which he was previously unaware. Mr. Memmer is requesting to make the entire parcel B-3, stating that it has always been commercial, and his only plans are to extend the current parking. During the zoning meeting, there was concern about light poles and light pollution and Mr. Memmer states that there are only lights

attached to the building per code and he has no plans of adding lighting. Plus there is a significant tree buffer between the residential condos so he does not foresee anything negatively affecting the residents. In fact, they have cleaned up the property significantly.

No one spoke in favor or against the rezone.

ATTACHMENT 05/09/23 R

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

Hawke – yes
Hardesty – yes
Pizzino - yes

5:15 p.m. - Public Hearing

Zoning Amendment 2023217 - Dwight Yoder, agent for Reserve at Jackson Meadows LLC property owner, PO Box 250, Uniontown, Ohio 44685 proposes to rezone R-R Rural Residential District to R-3 Residential Planned Unit Development District approx. 17.32 acres consisting of parcel #'s 1620887, 1623024, 1602287 & 1602286 located on the south side of Stuhldreher approx. 720 ft. east of Ocala NW, Sect. 33NE Jackson Twp.

Poindexter confirmed that the Zoning Commission recommended approval of the rezone on April 13, 2023.

Reed Richins, Architect, 5189 Park Dr., Medina. Per the Zoning Commission notes, which adequately represent Mr. Richins presentation: “He showed the proposed property per the Stark County GIS map, site plan and proposed general development plan. Mr. Richins explained they would not be asking for any variances with the zoning. The plan complies with the zoning resolution and R-3 PUD district. Mr. Richins addressed the comprehensive plan and stated the map in the comprehensive plan shows it is for residential as opposed to rural residential. The property abuts multi-family and rural residential. The zoning would complete the vision of the comprehensive plan.”

Some additional changes that Mr. Richins presented include: eliminated the tri-plex units where it abuts the single family home along Stuhldreher, eliminated the emergency access drive and reduced the sub-street to a length that conforms to emergency vehicle access. They have also added a drainage ditch, steel-back timber guardrail with reflectors at the end of Daytona St., and an 8' planted mound. He feels like they have responded to Township input, including providing snow storage at the end of Bermuda. Mr. Richins also wanted to note that these are private streets which means that maintenance and snow removal, etc. are all done privately. He also informed the public that these units are aimed at a target market of “well-to-do seniors” who are downsizing and want to stay in the area and studies have shown that they contribute economically in many ways to the community.

No one spoke in favor of the rezone.

Grayce Smith of 7600 Stuhldreher St. NW, Massillon, Ohio 44646 expressed her concern about the traffic. She currently spends about five minutes just to get out of her driveway and thinks the added units will make the traffic much worse.

Amy Kunkle of 6356 Harbor Dr. NW, Canton, OH 44718 said that her property at 3424 Ocala is adjacent to this area. She is worried that the step-down zoning is creating too many multi-family units and is creating a lower income, slum area and as a resident that is not appealing. She is also worried about overcrowding of the schools. Ms. Kunkle stated that the developer indicates their target market is 55 and over, but they are not willing to change their designation with HUD. She believes this will lead to families with multiple cars. She states there is already limited parking and the streets are not wide enough for parking. She also believes the taxes paid from these residents versus the cost to the township departments creates a loss to the Township.

Jeff Julian of 7520 Stuhldreher St. NW, Massillon, OH 44646 is concerned about the tri-plex units and if that's where residents would want to live. The infrastructure along Stuhldreher is also his concern.

Mr. Richins responded that a traffic assessment was performed and the proposed development would not impact the local streets. In addition, the demographic being targeted does not typically travel during the same times that have high volumes of traffic congestion. In response to the lower income concerns, the value of these units will be in excess of \$300,000. Mr. Richins explained that they are being conservative and under the limits set forth by the R-3 PUD in almost all areas in terms of units allowed, open space, buffers, etc. He also stated that each unit has 4 parking spaces included which should address the concern about parking.

The Trustees discussed items such as the total number of buildings, condominium documents, parking, and the access road.

Pizzino said he is disappointed that the revised plan is larger and takes up more space, even though it still meets the requirements of the rezone. As trustee, Mr. Pizzino said his most important job is to take care of the current residents and thinks that the previous plan Mr. Richins had in place was better.

Dwight Yoder of 2136 East Park Dr., Uniontown, OH 44685 responded that inflation is the difference between the first proposed plan and this current plan. He said they needed to add the 6 additional units to recover their costs. Mr. Richins also stated that the difference in greenspace is only about 1%.

There was a lengthy discussion about the additional units, design of the plan and whether the developers were going to leave it to a vote or ask for a continuance to revise their plan.

ATTACHMENT 05/09/23 S

Hawke moved and Pizzino seconded a motion to continue the hearing on May 23, 2023 at 5:00 p.m.

Hawke – yes
Hardesty – yes
Pizzino – yes

Old Business - None

New Business - None

Public Speaks

Edward Ogden, of 6314 Walnut Ridge Cir NW, North Canton, OH 44720, wanted to know if the Township has been approached about accepting money from HUD, but with strings attached. Gonzalez stated that they have not been approached and would not fit the model for that.

Joseph Allen Davis of 4285 Everhard, Canton, OH 44718, wanted to know what gives authority to the Board of Trustees or Police Department to enforce orders passed on land that is not owned by or seeded to the Township, State of Ohio, or the United States. Vaccaro asked if he was referring to a recent eviction and he stated he was. Vaccaro explained that they were simply carrying out orders that were given by a judge in their jurisdiction. Mr. Davis, the Trustees, Vaccaro and Gonzalez had additional discussion concerning this matter.

Hawke moved and Hardesty seconded a motion to adjourn.

3-0 yes

Todd Hawke

Randy Gonzalez