

JACKSON TOWNSHIP TRUSTEES

Held April 16, 2019

6:00 pm

Financial Reports-March 2019

Zone Case 2019ZC & 2019-02.

New Cell Phone and Hotspots Provider

Then & Now PO.

Cummins Generator Service.

Fire Chief Vehicle Purchase. Sale of Chief’s Vehicle. Lane EMS Agreement.

Dispatching Agreement-Sebring

Transient Vendors Registration

Present – Trustee Frost, Trustee Jakubec, Trustee Hemphill, Fiscal Officer Patton, Fire Chief Dave Graham, Road/Cemetery Dept.-Scott Hupko, Police Chief Taillon, Zoning Inspector Locke and 18 guests.

RESOLUTION #19-047: Mr. Hemphill moved and Mr. Jakubec seconded the motion to approve the minutes of the March 19, 2019 Regular Trustee Meeting. Vote was unanimous.

RESOLUTION #19-048: Mr. Jakubec moved and Mr. Frost seconded the motion to approve the minutes of the March 26, 2019 Special Trustee Meeting. Roll Call Vote: Mr. Hemphill Abstained, Mr. Jakubec – Yes, Mr. Frost – Yes.

RESOLUTION #19-049: Mr. Frost moved and Mr. Jakubec seconded the motion to approve the minutes of the April 2, 2019 Special Trustee Meeting. Roll Call Vote: Mr. Hemphill Abstained, Mr. Jakubec – Yes, Mr. Frost – Yes.

Vouchers and warrants #28283 thru #28308 and Vouchers #127-2019 thru #181-2019 were approved for payment.

CORRESPONDENCE:

OLD BUSINESS:

- Mr. Frost reported he attended the Tax Incentive Review Council Meeting on 3/26/19. He talked about TIF (Tax Increment Financing).
- Mr. Jakubec advised about Liberty Street Pavilion.

NEW BUSINESS:

RESOLUTION #19-050: Mr. Frost moved and Mr. Jakubec seconded the motion approving the following: Cash Summary by Fund, Appropriation Payment Register, Appropriation Register, Revenue Status, Fund Status and Bank Reconciliation for March 2019. Vote was unanimous.

- Case 2019-01 ZC and 2019-02 ZC: Anthony J. Dommenick, 1330 N. Salem Warren Rd., North Jackson, OH 44451. Official Representative: Anthony J. Dommenick, Same Address.
The above listed applicant is requesting a zone change from General Business-1 (B-1) to Single Family Residential (R-1) on parcel #50-028-0-009.01-0, 140 feet by 380 feet lot that has an address of 1330 N. Salem Warren Rd., North Jackson, OH. The site is located 325 feet from the southwest corner of I-76 and N. Salem Warren Rd. with 140 feet of frontage on the Westside of N. Salem Warren Rd. The parcel to be rezoned contain approximately 1.22 acres and has no utilities available. Mr. Dommenick told the trustees his reason for the Zone Change.

RESOLUTION #19-051: Mr. Frost moved and Mr. Hemphill seconded the motion for a Roll Call Vote approving Zone Case 2019-01ZC & 2019-02. Mr. Hemphill-Yes; Mr. Jakubec-Yes; Mr. Frost-Yes.

- We have received quote from FirstNet (AT&T Public Sector) for 2 Road Department And Fire Chief - Samsung Cell phones; 7 Hotspots, Unlimited talk, text and data, Activation and Device Credits, AT&T Dynamic Traffic Management or First Priority. We are now currently with Verizon and if we go with First Net a Savings of a little over \$1000 a year. Fire Chief Graham needs to add an additional Fire Department cell phone.

RESOLUTION #19-052: Mr. Frost moved and Mr. Hemphill seconded the motion to sign a government contract with FirstNet (AT&T) for cell phones and data only device with tethering. Vote was unanimous.

RESOLUTION #19-053: Mr. Hemphill moved and Mr. Jakubec seconded the motion for Then and Now PO – Joe Dickey Electric - \$2913.67 – Government Building Parking Lot, Photo Eyes, Remove 2 Time Clocks, Wall Light at Police Entry, etc. Vote was unanimous.

RESOLUTON #19-054: Mr. Hemphill moved and Mr. Jakubec seconded the motion for our generator service with Cummins Sales & Service Annual Planned Maintenance Proposal for 5 years Year’s 1 & 2-\$402.88; Year 3-\$418.43; Year 4-\$434.63 with battery replacement \$151.36; Year 5-\$451.51. We can cancel at any time with no penalty.

- The trustees decided to move our Regular Trustee Meeting to June 11, 2019 at 6:00pm.

FIRE:

- Fire reports for March 2019

RESOLUTION #19-055: Mr. Frost moved and Mr. Jakubec seconded the motion approving the purchase of a 2015 Chevrolet Tahoe SSV. Chief Graham will pick up the vehicle the week of 4/21 at Main – Transit Fire Department, Inc., Williamsville, NY. Our bid of \$28,537.00 was accepted. Vote was unanimous.

RESOLUTION #19-056: Mr. Frost moved and Mr. Hemphill seconded the motion to sell the Fire Chief’s vehicle he is now driving in the Police Department Vehicle Auction if we have enough time to advertise the sale. Vote was unanimous.

RESOLUTION #19-057: Mr. Frost moved and Mr. Jakubec seconded the motion approving the Lane’s EMS Agreement. The Prosecutor’s Office reviewed the agreement and made several small changes. Vote was unanimous.

RESOLUTION #19-058: Mr. Frost moved and Mr. Hemphill seconded the motion approving the Village of Sebring Fire Dispatching Contract renewal. We are now paying \$900/mo. - \$10800.00/year. New dispatching rates as of June 1, 2019 - \$10,900/year, 2nd year-\$11,100/year, 3rd year-\$11,300/year. Vote was unanimous.

- Chief Graham advised that the locks at the fire station would be changed. They will have 2 key pads located at the south meeting room and west bay doors.

ROAD/CEMETERY/PARK:

- Vehicle/Sign Inspections are done for March 2019.
- ODOT emailed and invoice for salt usage for 2018/2019 season – 86 Tons @\$58.30/Ton-\$5103.80 Total.

POLICE:

- 171-Total calls, 90-Calls for Service, 47-Observed Calls, Assist other agencies-34, 164-Traffic Stops, Resulting in 133 Warnings, 61 Citations, 7 Traffic Crashes, 8 DUS and 1 OVI Arrest, 897-Residential Security Checks, 0-Senior citizen welfare checks, 7-Arrests, 1 Felony & 6 Misdemeanant by our Detective and Patrol Division’s
- Reserve Officers worked a total of 104 hours - Officers traveled 11,509 miles patrolling the township. An average of 98 miles per shift.
- Asst. Chief Peter Rozzi to attend mandatory Taser Instructor re-certification training in Amhurst, Ohio. May 23 & 24, 2019. Cost \$495. Plus, one-night stay required.
- Chief Taillon & Asst. Chief attended a one-day Grant writing training seminar in Columbus on April 2, 2019. The class was very helpful and informative.
- Chief Taillon & Asst Chief Rozzi, and possibly others, will attend a one-day training On May 1, 2019 at Mill Creek Metro Parks. Dynamics of Officer/Citizen Encounters. There is no cost for us to attend this training.
- On May 10, 2019, The Mahoning County Mental Health and Recovery Board will recognize Asst. Chief Peter Rozzi, CIT (Crisis Intervention Team), Officer of the year, at its annual recognition luncheon. Congratulations!
- The Jackson Police Department vehicle auction will be held on April 29, 2019 5:30pm at the Township Maintenance Building.

ZONING:

RESOLUTION #19-059: Mr. Jakubec moved and Mr. Hemphill seconded the motion for **A RESOLUTION PURSUANT TO R.C. 505.94 REQUIRING REGISTRATION AND REGULATING TRANSIENT VENDORS**

WHEREAS, R.C. 505.94 authorizes a board of township trustees, by resolution, to require the registration of all transient vendors within the unincorporated territory of the township and regulate the time, place, and manner in which these vendors may sell, offer for sale, or solicit orders for future delivery of goods; and,

WHEREAS, R.C. 505.94 also authorizes a board of township trustees, by resolution, to prohibit solicitation at any residence at which the owner or tenant has posted a sign on the property prohibiting solicitation or for which the owner or tenant has filed a no solicitation registration form with the township, on a form prescribed by the board; and,

WHEREAS, the Board desires to exercise such authority within the unincorporated territory of Jackson Township (“Township”).

NOW THEREFORE, BE IT RESOLVED:

SECTION 1. DEFINITIONS

- A. “Board” means the Board of Trustees of Jackson Township, Mahoning County, Ohio.
- B. “Goods” means goods, wares, services, merchandise, periodicals, and other articles or publications.
- C. “Township” means the unincorporated area of Jackson Township, Mahoning County, Ohio.
- D. “Transient Vendor” means any person who opens a temporary place of business for the sale of Goods or who, on the streets or while traveling about the Township, sells or offers for sale Goods, solicits orders for future delivery of Goods, or attempts to arrange an appointment for a future estimate or sales call. “Transient Vendor” does not include:
 - 1. Any person who represents any entity exempted from taxation under R.C. 5709.04; and,
 - 2. Any person licensed under Chapter 4707 of the Revised Code.

RECORD OF PROCEEDINGS

Minutes of

Regular Meeting

JACKSON TOWNSHIP TRUSTEES

Held April 16, 2019 Page 2 of 2 Pages

6:00pm

- ZONING:**
- SECTION 2. REGISTRATION**
- A. Subject to the exceptions in Section 5, all Transient Vendors within the unincorporated territory of the Township shall register with the Township, pay a registration fee of One Hundred Dollars (\$100), and obtain a valid registration certificate from the Township before selling, offering for sale, or soliciting orders for future delivery of Goods.
 - B. Application for Transient Vendor registration shall be made on the form prescribed in Section 6(A).
 - C. The Township shall issue a registration certificate to Transient Vendors who register and pay the registration fee. A registration certificate issued by the Township shall include the information prescribed in Section 6(D).
 - D. Applicants should allow for at least 3 business days for the Township to process their application and issue the registration certificate.
 - E. A registration certificate shall be valid for a period of six (6) months after the date of registration.
 - F. The list of Transient Vendors currently registered with the Township shall be made available to the public.
- SECTION 3. NO SOLICITATION REGISTRY AND PROHIBITION**
- A. A no solicitation registry shall be maintained by the Township. An owner or tenant of a residence may voluntarily file a no solicitation registration form with the Township. Upon filing such form the registered address of the owner or tenant's residence shall be listed in the registry. The registry shall be a cumulative listing of all registered addresses. Registration shall not expire.
 - B. Subject to the exceptions in Section 5, solicitation is prohibited at any residence at which the owner or tenant has posted a sign on the property prohibiting solicitation and/or at those addresses listed in the no solicitation registry maintained by the Township.
 - C. Registration for the Township no solicitation registry shall be made on the form prescribed in Section 6(B) or by notice containing substantially the same information. Upon receipt of such form by the Township, the registered address shall be added to the registry within 3 business days.
 - D. An owner or tenant may only register or remove from registration the address of the residence where the owner or tenant currently resides.
 - E. The no solicitation registry shall either be physically provided to or made electronically accessible to all Transient Vendors registered with the Township. The registry shall also be available to the public.
 - F. No fee shall be charged to register on the Township no solicitation registration.
 - G. Upon sale or vacation of a property the address of which is listed in the Township no solicitation registry, the seller or vacating tenant shall inform, as applicable, the purchaser or landlord that the property address appears in the registry. A landlord shall inform any new tenant if the address of the rental unit appears in the registry.
 - H. An owner or tenant may request his or her address be removed from the no solicitation registry. Requests shall be made on the form prescribed in Section 6(C) or by notice containing substantially the same information. Upon receipt of such form by the Township, the owner or tenant's address shall be removed from the no solicitation registry within 3 business days.
- SECTION 4. BUSINESS HOURS RESTRICTED**
- Within the unincorporated territory of the Township, Transient Vendors are prohibited from selling, offering for sale, or soliciting orders for future delivery of Goods:
- A. Between the hours of 8:00 P.M. and 9:00 A.M.;
 - B. On Sundays; and,
 - C. On legal holidays. "Legal holiday" shall have the same meaning as defined in R.C. 1.14.
- SECTION 5. EXCEPTIONS**
- Registration of Transient Vendors required by Section 2 shall not apply to any of the following:
- 1. Any person invited by an owner or tenant to visit the owner's or tenant's premises to sell, offer for sale, or solicit orders for future delivery of goods;
 - 2. A farm market where 50% or more of the gross income received from the market is derived from produce raised on farms owned or operated by the market operator in a normal crop year;
 - 3. The delivery of newspapers (free or subscription) and solicitation of subscriptions for the same;
 - 4. The sale and delivery of products sponsored by public, parochial, or private schools or school systems or various associations of the same and solicited by students of such school or schools;
 - 5. The dissemination of ideas, thoughts, communications, or messages regarding any cause, issue, religion, or political candidate;
 - 6. Any individual who, without compensation, acts on behalf of and for any religious or charitable not for profit organization;
 - 7. Any person who seeks to disseminate any lawful message by means of traveling from place to place without soliciting funds or donations; and,
 - 8. The sale of services or products exclusively to business, commercial, or industrial enterprises.
- SECTION 6. FORMS AND REGISTRATION CERTIFICATE**
- A. The registration form to be completed by an applicant registering with the Township as a Transient Vendor pursuant to Section 2 of this Resolution shall include at least all of the following:
 - 1. The name of the applicant;
 - 2. A physical description of the applicant;
 - 3. The name, address, telephone number, and email address of the person or entity by whom the applicant is employed or for whom the applicant is soliciting, if any, or, if none, the name, address, telephone number, and email address of the applicant;
 - 4. The name, address, telephone number, and email address of the applicant's immediate supervisor, if any;
 - 5. The federal tax identification number of the applicant's entity or organization if the applicant is acting on behalf of an entity or organization;
 - 6. The nature and character of the Goods or products to be sold or services to be furnished by the applicant;
 - 7. The names of other municipalities in which the applicant has recently conducted peddling or soliciting activities;
 - 8. If the applicant is soliciting on behalf of a recognized religious or charitable not for profit organization, proof of tax exempt status; and
 - 9. The applicant shall furnish a copy of a valid government issued identification which includes a photograph of the registering Transient Vendor.
 - B. The no solicitation registry form to be completed by an owner or tenant pursuant to Section 3(C) shall include at least all of the following:
 - 1. The name of the owner or tenant;
 - 2. The address to be added to the Township no solicitation registry; and,
 - 3. A statement that the owner or tenant desires the listed address to be added to the Township no solicitation registry.
 - C. The form to be completed by an owner or tenant pursuant to Section 3(H) to remove an address from the Township no solicitation registry shall include at least all of the following:
 - 1. The name of the owner or tenant;
 - 2. The address to be removed from the Township no solicitation registry; and,
 - 3. A statement that the owner or tenant desires the listed address to be removed from the Township no solicitation registry.
 - D. A registration certificate issued by the Township to a Transient Vendor pursuant to Section 2 shall include at least all of the following:
 - 1. The name of the Township;
 - 2. Contact information for the Township;
 - 3. The name of the Transient Vendor;
 - 4. A photograph of the Transient Vendor;
 - 5. The name, address, telephone number, and email address of the person or entity by whom the applicant is employed or for whom the applicant is soliciting, if any, or, if none, the name, address, telephone number, and email address of the applicant;
 - 6. The name, address, telephone number, and email address of the applicant's immediate supervisor, if any;
 - 7. The issue date of the registration certificate; and,
 - 8. The expiration date of the registration certificate.
- SECTION 7. NOTICE PROHIBITING TRANSIENT VENDORS**
- The owner or tenant of any residence may evidence a determination to refuse to receive any uninvited Transient Vendors by displaying a weatherproof card, decal or sign not less than 3 inches by 4 inches in size nor more than 1 square foot in total surface area upon or near the main entrance door to the residence, containing substantially the following: "No Solicitation" in letters at least 1/3 inch in height. Alternatively, an owner or tenant may post in a similar location any sign issued for such purpose by the Township in connection with the Township no solicitation registry.
- SECTION 8. CARRYING AND EXHIBITING REGISTRATION CERTIFICATE**
- A valid registration certificate issued by the Township pursuant to this Resolution shall at all times be carried or conspicuously exhibited on the outer clothing of the Transient Vendor.
- SECTION 9. NONTRANSFERABILITY.**
- Registration certificates issued pursuant to this Resolution are non-transferable and shall not be used by any person other than the person identified as the Transient Vendor on the registration certificate.
- SECTION 10. APPEALS**
- Any person who has applied for a registration certificate in accordance with this Resolution and who has been denied a registration certificate may appeal the decision to the Board. Such appeal shall be considered by the Board at the next regular meeting of the Board held at least 3 days after the notice of appeal is filed.
- SECTION 11. PENALTIES**
- Pursuant to R.C. 505.94(A), no Transient Vendor shall fail to register or to comply with these regulations. Violations shall be punishable as provided in R.C. 505.99. Penalties shall be imposed in accordance with applicable section(s) of the Ohio Revised Code.
- SECTION 12. NO WARRANTY/NO ENDORSEMENT**
- No warranty, guarantee, or assurance of any type, express or implied, of, concerning, or related to any Transient Vendor, any ideas, thoughts, communications, or messages expressed, stated, and/or conveyed by any Transient Vendor, or any Goods, products, or services sold, offered for sale, or offered for future delivery by any Transient Vendor is given or bestowed by the Board, Township, or any employee, representative, agent, or volunteer of the Board or Township by this Resolution or the registration and regulatory requirements contained herein and this Resolution should not be construed to provide any such warranty, guarantee, or assurance. Any warranty, guarantee, or assurance of any type is expressly disclaimed.

RECORD OF PROCEEDINGS

Minutes of JACKSON TOWNSHIP TRUSTEES SPECIAL MEETING

Held April 16, 2019 Page 3 of 3 Pages

6:00pm

ZONING:
This Resolution and the registration and regulatory requirements contained herein are not and should not be construed as any type of endorsement, express or implied, by the Board, Township, or any employee, representative, agent, or volunteer of the Board or Township of any Transient Vendor or any entity by which any Transient Vendor may be employed or represent, any ideas, thoughts, communications, or messages expressed, stated, and/or conveyed by any Transient Vendor, or any Goods, products, or services sold, offered for sale, or offered for future delivery by any Transient Vendor, whether registered or not registered in accordance with this Resolution. Any endorsement is expressly disclaimed.

SECTION 13. SEVERABILITY
The provisions of this Resolution are severable and independent, and if any such provision shall be unenforceable in whole or in part, the remaining provisions and any partially enforceable provisions, to the extent enforceable, shall nevertheless be binding and enforceable.

SECTION 14. NOTIFICATION
A. Pursuant to R.C. 505.94, the Board of Township Trustees shall notify the Mahoning County Prosecuting Attorney ("Prosecutor") of these registration and regulatory requirements by providing the Prosecutor with a copy of this Resolution.
B. The Board of Township Trustees shall notify the Mahoning County Sheriff ("Sheriff") of these registration and regulatory requirements by providing the Sheriff with a copy of this Resolution.

SECTION 15. ADOPTION
All formal actions of this Board concerning and relating to the passage of this Resolution were adopted in an open meeting of the Board, and all deliberations of this Board and of any of its committees that resulted in such formal action were in meetings open to the public in compliance with all legal requirements, including R.C. 121.22.

SECTION 16. PRIOR RESOLUTIONS
This Resolution supersedes any Transient Vendor ban, registration, and regulatory requirements adopted by the Board prior to the effective date of this Resolution.

SECTION 17. EFFECTIVE DATE
This Resolution shall be in full force and effect immediately upon adoption.
Roll Call Vote: Mr. Hemphill-Yes; Mr. Jakubec-Yes; Mr. Frost-Yes.

- Applications for zoning permit - 2 Residential accessory
 - 1 Business (Dunkin)
 - 1 Industrial (Purfoods Commissioner Dr.) small addition
- Fees for Zoning Permits--\$6,025
- Appeals Board Cases-1 (Purfoods Commissioner Dr.) front addition Total Appeals Fees - \$475.00
- Total all Fees \$6,500
- VALUE ADDED TO COMMUNITY: \$995,500.00
- Zone Commission - Zone change hearing April 10 - Recommendation to Trustees to approve (1330 N. Salem Warren Rd., (B-1) Business to A-SER (Agriculture) vote 4-0
- Appeals Board - Purfoods variance held April 11 - Reducing required front setback to 60 feet from 100 feet for addition.

Complaints and Violations

- Joseph, 12791 Palmyra Rd., small addition permit issued.
- Yuhas, 1450 N Salem Warren Rd., cleanup is progressing.
- Kinkade, 9135 New Rd., cleanup progressing will continue to monitor.
Roudebush, 10331 New Rd., Camper/trailer has been removed and two of the cars will be removed by 5/1 by county prosecutor agreement.
- 105 N Duck Creek Rd - violation notice (debris) issued Compliance 3/18 13396 Palmyra Rd -violation notice (tires) issued Compliance 3/19
- 11126 Mahoning - violation notice (couch front yard) issued 20 days to comply- 4/1 12791 Palmyra Rd-violation notice (addition on SFD) Compliance 3/18
- 1657 N Salem Warren-violation notice (Debris and concrete)-give 30 days to comply 3771 S Bailey Rd-swimming pool-above ground-no permit needed
3175 S Bailey Rd-violation notice (Pavilion) compliance 4/4

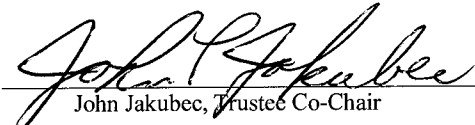
Other


- Dunkin Donuts-received water retention approval and issued zoning permit
- Revised Transient Vendor Resolution to conform with ORC changes - New requirement for Township to allow residents to register on a no solicitation registry and the Township to maintain the registry. Changed the fee from \$75.00 to \$100.00 valid for 6 months.
- Mr. Art Weaver will be resigning and we will be requesting that Anthony Dommenick to move up when he resigns. There will be and opening for 2 alternate positions.

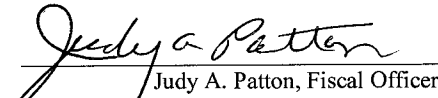
PUBLIC COMMENT:

There being no further business to come before the Board, the meeting adjourned at 7:50pm.


Thomas Frost, Trustee Chair


John Jakubec, Trustee Co-Chair


Alan Hemphill, Trustee


Judy A. Patton, Fiscal Officer