

Franklin Township Trustees  
Tuesday, December 14, 2021  
Regular Meeting Minutes

At 7:00pm Chairwoman Ann Hanna called the meeting to order. Minutes from the special and regular meetings held on November 23, 2021 were approved by a motion made by Keith Benjamin; 2<sup>nd</sup> Scott Swan. All three trustees voted yes.

PUBLIC COMMENT

- Hal Lehman – 2218 Leonard Blvd – expressed concern about parking in front of a multiple family dwelling located on Washington Street (address likely 6197). Multiple students live there and park in the street making driving near the intersection of Garfield and Washington hazardous due to lane narrowing and line of sight. There are No Parking signs posted and being ignored. Mr. Lehman has called the sheriff in the past regarding the matter but the issue continues. Mr. Swan suggested that zoning inspector Joe Ciccozzi contact the owner of the property and explain the situation and see if that could bring a resolution to the matter.
- Redd Havel – 2371 Monaco Street – introduced himself as a township resident interested in serving the township in some capacity as a member of the zoning commission or the zoning appeals board. Mr. Havel is a real estate agent.
- Corrine Wise – 2371 Monaco street – introduced herself as a township resident interested in serving the township in some capacity as a member of either the zoning commission or the zoning appeals board. Ms. Wise is a teacher in the Kent district.
- Mark Beckwith – 1106 Adrian – address the board with sincere gratitude for the efforts put forth by Keith Benjamin, who is leaving the position of township trustee after serving twenty-seven years on the board. Mr. Beckwith, a former township trustee, listed some of the many projects and implementation of services that have benefitted the township under Mr. Benjamin’s leadership, including but not limited to, the first two phases of Hudson Road reconstruction, the Lake Royale development, bike lanes throughout the township, the establishment of the Kent/Franklin JEDD, the building of pavilions at Chase and Phillips Parks, playground equipment at township parks, annexation attempts, the painting of town hall, negotiating contracts, and the list went on and on. Mr. Benjamin also served as a member of the Board of Zoning Appeals prior to being elected to office. Mr. Beckwith expressed his deep gratitude for his vision, leadership, hard work and commitment on behalf of Franklin Township residents. Mr. Beckwith also thanked trustee Ann Hanna, whose term ends December 31, 2021 as well, for her service on behalf of township residents. Mr. Benjamin responded that he has appreciated help he has received from others working within the township and with outside entities and recognized the many people it takes to make things work.
- Mary Organ – 5876 Horning Road – also expressed gratitude to Ann Hanna for always being available for support and her work on behalf of the township during her four-year term as a trustee and service on the Board of Zoning Appeals prior to her election.

ZONING REPORT

Submitted as written by Joe Ciccozzi and is attached to the official record. Additionally, Resolution 2021-27 declaring 7437 Sylvan Drive a nuisance and providing for abatement was approved by a motion made by Scott Swan; 2<sup>nd</sup> Keith Benjamin. All three trustees voted yes.

ROAD REPORT

Submitted as written by Lee Smith and Keith Benjamin and is attached to the official record.

FIRE REPORT

Submitted as written by Richard Smith and is attached to the official record. Additionally, Mr. Smith reported to the board that Goodwill Industries has finally received their sprinkler system inspection and passed it.

## OLD BUSINESS

- City of Kent/Franklin Township agreement for the provision of fire and emergency medical services is ready for signatures. One item in the contract needs a verbiage change to reflect to City's acceptance as a donation of all current equipment for fire and emergency medical services. Resolution 2021-26 approving the contract with the stipulation that said verbiage be added to the contract was approved by a motion made by Keith Benjamin; 2<sup>nd</sup> Ann Hanna. All three trustees voted yes. Township administrator will notify City officials of the additional language needed.
- Portage County Solid Waste Management District/Franklin Township recycling agreement status update. – tabled until the arrival of legal representation arrives at 8:00
- Scott Swan reported that the newly formed JEDD Exploratory Committee met last week with seven persons in attendance. Discussion will be focusing on the establishment of a JEDD along SR 43 north of the city limits. He went on to stress the importance of JEDDs and the role they play, using the example of the one established along SR 59 heading east into Ravenna. Without that existing JEDD and the revenue it provides the township would long ago been forced to place additional fire and emergency services levies on the ballot in an effort to meet rising costs.
- Ann Hanna reported that the 2021 leaf pickup program went very well this year. ABC Landscaping did a great job making sure everyone's leaves were picked up as long as they were placed at the curb by the given time of their designated pickup schedule. She also suggested that in January the new board consider joining the Tinkers Creek Watershed Partnership in 2022 to explore grant opportunities, like the boardwalk along Chase Park that is dated and in need of rebuilding. Mr. Ken Penix – 4103 Sherman Road – spoke from the audience reminding trustees that when the boardwalk was constructed the township utilized ODNR grant money to do so.
- Ann Reid – 6318 Lakeview – asked the trustees if there was any update on the Jones' Hookah Palace and violations that have been observed there in recent events. DFPO Richard Smith reported that he has no calls there since the last one discussed at the 11/23/21 meeting. Mr. Swan stated that the township is awaiting an update from Brett Bencze at the prosecutor's office on conditional use violations observed at recent events, including exceeding capacity, parked cars blocking the fire lane, cooking onsite, and after-hours operations.

## NEW BUSINESS

- Ann Hanna made a motion approving administrator Jenny August to attend required class and meet other requirements making her eligible to become a notary public, 2<sup>nd</sup> Keith Benjamin. All three trustees voted yes.
- A notice was received by the township from the Ohio Division of Liquor Control about a new class C license application by GB License LLC at the location 2108 SR 59 Kent, OH. As no other pertinent information was provided on the nature of the business seeking the liquor license, a motion was made to request a hearing in our county seat by Scott Swan; 2<sup>nd</sup> Ann Hanna. All three trustees voted yes.

## FINANCES

- Resolution 2021-28 is a resolution approving a supplemental appropriation to the Local Corona Virus Relief Fund in the amount of \$24,299.66. This is to appropriate all of the CARES ACT money received in order to spend it by the end of this month. A motion to approve was made by Ann Hanna; 2<sup>nd</sup> Keith Benjamin. All three trustees voted yes.
- Resolution 2021-29 is a resolution authorizing temporary appropriations for fiscal year 2022 in order to proceed with bill paying and payroll until permanent appropriations are established in January 2022. A motion to approve was made by Keith Benjamin; 2<sup>nd</sup> Ann Hanna. All three trustees voted yes.
- Payment of bills, warrants #25645 through 25659, including payment vouchers and totaling \$91,919.85 since the last meeting was approved by a motion made by Ann Hanna; 2<sup>nd</sup> Keith Benjamin. All three trustees voted yes.
- A motion to approve an expense of \$180.00 to an annual membership to the NEOFPA for Richard Smith was made by Scott Swan; 2<sup>nd</sup> Ann Hanna. All three trustees voted yes.

At 7:50pm Ann Hanna made a motion to take a short recess until 8:00; 2<sup>nd</sup> Scott Swan. All three trustees voted yes. At 8:00pm Ann Hanna made a motion to end recess and resume the meeting; 2<sup>nd</sup> Scott Swan. All three trustees voted yes and the meeting resumed to discuss contract issues with the Portage County Solid Waste Management District.

- Fiscal Officer Lisé Russell gave a brief overview of what has transpired to this point. Effective May 2019 a five-year contract was signed with the Portage County Solid Waste Management District that defines the terms of curbside recycling collection biweekly, sets the annual assessment collected per residential dwelling and provides for the breakdown of how much is kept by the county for recycling and how much reverts to the township for the purpose of leaf collection, and runs through December 31, 2024. In September, the District announced its intent to end the current contract, raise the amount charged per dwelling to \$5.50 per year and offered a new eighteen-month contract that removes the obligation to continue collecting the leaf pickup portion of the assessment used by the township to pay for the contract we have with ABC Landscaping to collect leaves for non-commercial properties throughout the township. The trustees' response to the District's intent to void our existing contract was agreement to raise the fee to \$5.50 per month to the District but stated they were not in agreement with ending the assessment for leaf pickup. The trustees were unable to sign the new eighteen-month contract as they are already in contractual agreement that runs through December 2024. Based on a government to government contract assuring revenue would be collected to pay for the removal of township leaves, the township entered into a six-year contract with ABC Landscaping for pickup.

Attorney Chad Murdock has been retained to provide legal counsel to the township as the prosecutor's office has recused itself due to a conflict of interest, representing the county. Mr. Murdock stated that the township has a good argument for holding the county accountable for their end of the agreement. Precedent has been set as the money has been collected in previous years and leaves are within the definition of solid waste. Mr. Murdock presented the trustees with the following options on how they can proceed. 1. The board can walk away from PCSWMD altogether and make their own provisions for curbside recycling and the collection of leaf pickup assessments. 2. The board can agree to an eighteen-month contract at the proposed \$5.50 per month but reserve the right to litigate for breach of contract over the leaf assessment collection. 3. Agree to the proposed price increase and enter into a new contract but seek an avenue to still collect assessments for the annual leaf collection program.

Keith Benjamin responded that the contract in place met the needs of both the township and the District. It satisfied the need to responsibly provide for the removal of solid waste (recyclables and leaves) and has been in practice for some time. Scott Swan responded that the burden of collecting the assessment should fall on the township at the whim of the County and that the County should be made to honor the contract. A motion was made by Keith Benjamin to authorize Mr. Murdock to proceed with discussion with the prosecutor's office and move forward to initiate litigation if necessary to uphold the contract we currently have in place; 2<sup>nd</sup> Scott Swan. All three trustees voted yes.

At 8:25pm a motion to adjourn was made by Ann Hanna; 2<sup>nd</sup> Keith Benjamin. All three trustees voted yes.

Date \_\_\_\_\_ Fiscal Officer \_\_\_\_\_

Chairperson \_\_\_\_\_