

**OPENING:** The regular meeting was called to order at 7:00 p.m. by President Giavasis, who led the staff and audience in the pledge of allegiance.

**ATTENDANCE:**

Pamela Bossart, Louis Giavasis, Albert Leno, II, Claude W. Shriver, II, Mark Cozy, Eric Williams, Joe Iacino, Sam Tuttle, Mary Lee Sponseller. Mr. Cozy was excused until approximately 9:00 for a family function. Chief Sabo was out of town.

Media present: Cal Peters, WHBC; Natalie Lariccia, the Repository; Betty O'Neill-Roderick, Akron Beacon Journal.

**AGENDA:** The agenda was presented. Sheriff's Report #3 – Barking Dogs – was added by Mr. Giavasis.

**SHERIFF'S REPORT:**

Sheriff Timothy Swanson was present to give the Quarterly Report and passed out statistical books to each of the Trustees. With regard to call activity for the first quarter of 2003, there were 4,555; first quarter of 2004, 4,706, an increase of 151. Incident reports: first quarter of 2003, there were 1,161; first quarter of 2004, 1,175, an increase of 14. Traffic crashes: first quarter of 2003, 314; first quarter of 2004, 269, down 45. Citations: first quarter of 2003, 772; first quarter of 2004, 1041, up 269. Robbery alarms: first quarter of 2003, there was 1; first quarter of 2004, there were 8, an increase of 7. Burglary alarms: first quarter of 2003, 371, first quarter of 2004, 384, plus 13. Vehicle maintenance costs averaged out to \$0.13 per mile. He also said that he was very happy to have C. J. Stantz in the Township. The Board agreed that he had been assigned 68 new cases and had so far closed 20.

Joe Iacino presented a complaint about 4-wheelers and go-carts on 31<sup>st</sup> St. NE., normally happening after 4:00 p.m. and on weekends.

Mr. Giavasis said that there was a dog that was obnoxiously barking in his neighborhood. He called the Sheriff's Department around midnight and he was told by the dispatcher to call the Dog Warden. He wanted the Sheriff to know that someone should be aware of the fact that Plain Township has a barking dog ordinance within their home rule. The Sheriff said that if that should ever happen again, they should call the Shift Supervisor, but he would be sure to make sure the Department knows that we do have a home rule resolution. However, the Sheriff did explain that most areas in the County do not.

**UNFINISHED BUSINESS:**

1. Amend Resolution #04-277 –

#04-279

Motion by Mr. Leno,

BE IT HEREBY RESOLVED by the Plain Township Board of Trustees, Stark County, Ohio, to amend Resolution #04-277 to authorize payment for the School Resource Officer to be paid from Fund #09-A-10B.

Seconded by Mr. Giavasis.

Vote: Mrs. Bossart, no; Mr. Leno, yes; Mr. Giavasis, yes.

**NEW BUSINESS:**

1. False Alarms –

#04-280

Motion by Mr. Giavasis,  
WHEREAS, the Plain Township Board of Trustees has authorized a charge of twenty-five dollars (\$25.00) for each false alarm from an automatic security alarm system in excess of three (3) false alarms within a calendar year pursuant to its authority under Ohio Revised Code Section 505.511 (Resolutions #95-96); and

WHEREAS, the Plain Township Board of Trustees has been duly notified by the Stark County Sheriff, under contract to Plain Township, that an excess of three (3) responses to such alarms have been made at the following businesses and/or residences:

NAME	ADDRESS	#
Pizza Oven	1601 30th St. NE	4th
Aldi Foods	2709 Maret St. NE	4th, 5th, 6th
Labor Ready	719 30th St. NE	4th
Joan Pool	7531 Angel Rd. NW	4th and 5th

NOW THEREFORE BE IT HEREBY RESOLVED by the Plain Township Board of Trustees, Stark County, Ohio, to direct the Plain Township Clerk to send a Notice of Bill for Excess False Alarms to the locations identified above; and

In the event that any bill noted above is not paid within thirty (30) days of the date of such notice;

BE IT FURTHER RESOLVED to direct the Plain Township Clerk to send a notice by certified mail to the manager and the owner, if different, of the real estate of which the commercial establishment is a part, or to the occupant, lessee, agent or tenant and to the owner, if different, of the real estate of which the residence is a part, stating that failure to pay the bill within 30 days, or to show just cause why the bill should not be paid, will result in the assessment of a \$25.00 lien upon the real estate.

BE IT FURTHER RESOLVED that if payment is not made within 30 days, or just cause shown, then the Clerk shall cause the sum of \$25.00 for each false alarm in excess of three (3) per year to be entered upon the tax duplicates of each location as a lien upon said real estate from the date of entry, which shall be collected as other taxes and returned to the Township general fund.

Seconded by Mrs. Bossart.

Vote: Mrs. Bossart, yes; Mr. Leno, yes; Mr. Giavasis, yes.

**CLERK’S REPORT:**

1. 1. Pending Warrants –

#04-281

Motion by Mr. Giavasis,

BE IT HEREBY RESOLVED by the Plain Township Board of Trustees, Stark County, Ohio to authorize the payment of pending warrants in an amount of \$227,762.98 as attached hereto and made a part of these minutes.

Seconded by Mr. Leno.

Vote: Mrs. Bossart, yes; Mr. Leno, yes; Mr. Giavasis, yes.

2. 2. Regular Payroll –

#04-282

Motion by Mr. Giavasis,

BE IT HEREBY RESOLVED by the Plain Township Board of Trustees, Stark County, Ohio to authorize payment of the regular payroll in an amount not to exceed \$110,000.00.

Seconded by Mr. Leno.

Vote: Mrs. Bossart, yes; Mr. Leno, yes; Mr. Giavasis, yes.

**CLERK'S REPORT:** (continued)

3. 3. Payment of Medical Claims –

#04-283

Motion by Mrs. Bossart,

BE IT HEREBY RESOLVED by the Plain Township Board of Trustees, Stark County, Ohio to authorize payment for the following medical claims as provided by AultCare:

<u>DATE</u>	<u>WARRANT</u>	<u>AMOUNT</u>
04/20/04	EFT 40448	\$6,312.14
04/27/04	EFT 40449	7,921.41

Seconded by Mr. Giavasis.

Vote: Mrs. Bossart, yes; Mr. Leno, yes; Mr. Giavasis, yes.

4. Investment Report was presented. There were no questions.

5. Transfer of Funds –

#04-284

Motion by Mr. Giavasis,

BE IT HEREBY RESOLVED by the Plain Township Board of Trustees, Stark County, Ohio, to authorize the following transfer of funds:

<u>FROM</u>	<u>TO</u>	<u>AMOUNT</u>
09-A-09 Repairs	09-A-12 – Insurance	\$2,500.00
09-A-08 – Supplies – Fuel	09-A-10 – Contracts	42,076.00
09-A-07 – Tools & Equipment	09-A-10 – Contracts	36,996.00
09-A-07 – Tools & Equipment	09-A-10B – Contracts – School Resource Officer	21,220.56
09-A-10A – Contracts – Dare Officer	09-A-10 – Contracts	28,000.00

Seconded by Mr. Leno.

Vote: Mrs. Bossart, yes; Mr. Leno, yes; Mr. Giavasis, yes.

**FIRE DEPARTMENT:**

1. Repairs of Fire Protective Clothing –

#04-285

Motion by Mr. Giavasis,  
BE IT HEREBY RESOLVED by the Plain Township Board of Trustees,  
Stark County, Ohio, to authorize repairs of fire protective clothing by Fire  
Service Management in the amount of \$1,286.25, to be paid from Fund  
#10-A-10.

Seconded by Mrs. Bossart.

Vote: Mrs. Bossart, yes; Mr. Leno, yes; Mr. Giavasis, yes.

**ROAD DEPARTMENT:**

1. Advertise for Bids – Paving and Road Repair –

#04-286

Motion by Mrs. Bossart,  
BE IT HEREBY RESOLVED by the Plain Township Board of Trustees,  
Stark County, Ohio, to direct the Plain Township Clerk to place an  
Advertisement for Bids for the Plain Township 2004 Paving and Road  
Repair Project in a newspaper published in Stark County and of general  
circulation in the Township on May 5<sup>th</sup> and May 12<sup>th</sup>, with bids to be  
received by 1:30 p.m. on May 21, 2004 and opened at 1:30 p.m. on May  
21, 2004.

Seconded by Mr. Leno.

Vote: Mrs. Bossart, yes; Mr. Leno, yes; Mr. Giavasis, yes.

**ROAD DEPARTMENT: (continued)**

2. No Parking – Kaiser –

#04-287 Motion by Mr. Giavasis,  
BE IT HEREBY RESOLVED by the Plain Township Board of Trustees,  
Stark County, Ohio, to rescind Resolution #91-564 dated 12-23-91.  
Seconded by Mrs. Bossart.  
Vote: Mrs. Bossart, yes; Mr. Leno, yes; Mr. Giavasis, yes.

#04-288 Motion by Mr. Leno,  
BE IT HEREBY RESOLVED by the Plain Township Board of Trustees,  
Stark County, Ohio, to post permanent “no parking” signs on weekdays  
from 6:00 a.m. to 5:00 p.m. on both sides of west terminus of Kaiser Ave.  
NE for a distance of 50 feet.  
Seconded by Mr. Giavasis.  
Vote: Mrs. Bossart, yes; Mr. Leno, yes; Mr. Giavasis, yes.

**PARKS & RECREATION:**

1. Purchase of Athletic Paint –

#04-289 Motion by Mr. Giavasis,  
BE IT HEREBY RESOLVED by the Plain Township Board of Trustees,  
Stark County, Ohio, to authorize the purchase of athletic paint from  
Pioneer Manufacturing Company for the amount of \$2,108.00, to be paid  
from Fund # 14-A-05C.  
Seconded by Mrs. Bossart.  
Vote: Mrs. Bossart, yes; Mr. Leno, yes; Mr. Giavasis, yes.

**ADMINISTRATOR:**

1. Purchase of Mosquito Larvacide –

#04-290 Motion by Mrs. Bossart,  
BE IT HEREBY RESOLVED by the Plain Township Board of Trustees,  
Stark County, Ohio, to purchase mosquito larvacide from the Stark County  
Health Department in the amount of \$750.00, to be paid from 01-A-26E.  
Seconded by Mr. Giavasis.  
Vote: Mrs. Bossart, yes; Mr. Leno, yes; Mr. Giavasis, yes.

2. Fulton Widening –

#04-291 Motion by Mrs. Bossart,  
BE IT HEREBY RESOLVED by the Plain Township Board of Trustees,  
Stark County, Ohio, to enter into the attached Seventh Supplemental

Agreement to Agreement No. 1999-3 for the Fulton Road widening project; BE IT FURTHER RESOLVED by the Plain Township Board of Trustees, Stark County, Ohio, to authorize payment of an additional \$8,962.00 to CT Consultants, Inc. for Design base contract.

Seconded by Mr. Giavasis.

Vote: Mrs. Bossart, yes; Mr. Leno, abstain; Mr. Giavasis, yes.

3. Sheriff's Contracts – held over for executive session.
4. Updates on School Property Traffic Study – there was discussion from the engineers stating that the drives into the new high school off Easton, they may want to have a light and also that they might want a right-hand turn lane. Mr. Cozy will keep the Board up to date with this study as it proceeds.

### **7:30 P.M. PUBLIC HEARING – ZONING AMENDMENT 532**

Attorney Terry A. Moore was present for the petitioner, Mr. William Day. He presented himself to the Board, saying that they had addressed all of the past concerns from creeping zoning, traffic congestion, proper design, open space, buffer space, and proper drainage. He also presented the Board with two covenant agreements, one with regard to the storm water system, which would be above the expectations of the County, which are presently 25 year to at least a 50 year retention plan. He said that the exterior design of the buildings would be specific. He also said that there would be a restriction to four units to a building. There would only be 90 units and the buffer area would be a mounding and trees next to the Barthel Nursery, so that the people would not be disturbed by their operation. He also presented the Board a covenant from a contiguous property owner. Detweilers had agreed to the covenants as well to increase their retention system from A 25-year to a 50-year retention system. He also addressed traffic concerns. He said that the open space generally in the area equaled 49 percent, more than the 30 percent required in the Planned Unit Development. He felt that it was a perfect blend to create a buffer area with a fire station nearby, a pizza shop, a landscaping business, and, of course, Market Ave.

He then introduced Bryan Ashman, who is an engineer with Cooper and Associates, who really represents the Detweiler developers for the east portion of the property. Mr. Ashman went over additional aspects to the drainage issues and passed out an 11" x 17" drainage map, which had concerns of drainage dividers, and on the other side had drainage interception areas. Mr. Giavasis asked Mr. Ashman where the storm water retention was derived from. Mr. Ashman said the Stark County Engineer requires a 25-year system. However, Mr. Day was willing to put in at least a 50-year retention system.

Mr. Giavasis then opened the meeting up to residents. In favor was

Michael Thomas. He lives in Uniontown, Ohio. He said that Mr. Day builds a very pleasant and nice unit and that he originally moved to Louisville and then moved to Uniontown and would like to live in that area. He thought that it would be of benefit to the Township.

Speaking against was Aileen Hammond, of 1255 Diamond St., who was concerned with traffic congestion on Diamond and the hill.

Fred Rossetti, of 2048 Mt. Pleasant St., went over various statistics on how many condos were in Plain Township. He had taken the time to count the homes and stated that there are enough, and why should the Board approve Mr. Day's plan when the property to the east is not yet finalized through Regional Planning?

Lory Figurella and James Phillips, of 1075 Mt. Pleasant, were concerned over drainage coming across into their property to the west, because they live across Market Ave. They said the Grub Ditch is on their property and it flooded three times last year and they had four feet of water and even water coming into their barn. They were not interested in the ditch, it had a lot of silt in it and the County did not have a ditch program. They have been getting the runaround and they absolutely would not be wanting to accept any more water coming over to the west side of Market.

John Botean, of 1325 Skyway NE, was concerned for traffic and the quality of life. He said if he knew it would stop after this development, he would be very much in favor of Mr. Day's plan, as he thought that he had been very honest and gone above and beyond with the residents' concerns. However, his final decision was that he wanted things to stay as they are.

**7:30 P.M. PUBLIC HEARING – ZONING AMENDMENT 532** (continued)

Stacy Kamp, of 1340 Mt. Pleasant, moved to this area with her five children and her horses and her chickens. She said that she is not at all in favor of this and was concerned about the drainage and the water and stated that a sump pump runs 24 hours a day now in their barn. She was also concerned about the traffic increase and the gap between the two-year responsibility of the builder before the storm sewer retention system is passed on to the property owners or condo association.

Mike Holbrook, of 2031 Zircon NE, said that he represents many of his neighbors and they simply do not want this.

Dottie Barthel, of 1260 Mt. Pleasant, appreciated all that Mr. Day had gone through and has done to address the issues of the residents. She said basically what it boils down to is what it was several years ago, the residents want to retain the green space.

Lisa Arnold, of 7971 Market N., was concerned about drainage and traffic.

Sandy Macarie, of 1405 Diamond NE, wants to keep the green space.

Chris Borello, of 1900 Mt. Pleasant, felt that Mr. Day should have been forewarned. She asked why he would buy the property, knowing that it was not zoned for condominiums. She said it is almost as if, because a developer buys land, the Trustees or the various Zoning boards are to give them what they want. She said he knew that it wasn't zoned R-3 and it was zoned R-R and he should have taken that into consideration before he purchased the land.

Mr. William Day, of 4821 Noble Pond, concluded the meeting by stating that if passed, development would not begin before next year. He went over the drainage plan once again, addressed the green space, and also addressed comments regarding why there were two garages. He said the second garage is normally built for space. He also went over demographics, how many cars come and go per day, and the average age of the residents.

Mr. Giavasis asked for a two-minute recess to go over notes.

Mr. Giavasis thanked the petitioner, his attorneys and engineers, and also thanked the audience. He told the audience that the Trustees in Plain Township take zoning very seriously and also made reference to the Mini-Master Plan. He also stated that the present zoning was R-R and it was the job of the petitioner to prove to the Board that it was zoned improperly.

He then turned comments over to Mrs. Bossart. She said many times what she hears is no development, no development, no development. She also said that many times that is not fair to a landowner. She gave various reasons for zoning, stating that there had to be a balance within the township, and if nothing is done with this land, the owner can develop anything in R-R. She said that Mr. Day has an excellent reputation. She was concerned about the testing of the covenant agreements and also concerned about drainage, and she did not feel that changing the land from R-R to R-3 was the best use of the land.

Mr. Leno said that this was a tough decision. He was very tired, because he knew that this meeting was coming up. He went over his own personal history, having lived in Plain Township since he was young, hunting in this area, and fishing. He said that his mother is 79 years old, and he understands that we do need condos, but just exactly where do we put them? He also asked if we can say that the zoning is incorrect being zoned R-R, and he did not feel that it was either.

**7:30 P.M. PUBLIC HEARING – ZONING AMENDMENT 532** (continued)

#04-292

Motion by Mr. Giavasis,  
WHEREAS, a public hearing was held on April 13, 2004 and continued to April 27, 2004 by the Plain Township Board of Trustees to consider

Amendment #532 to the Plain Township Zoning Resolution; and  
WHEREAS, such hearing was properly and timely held pursuant to Ohio Revised Code 519.12; and

WHEREAS, the Plain Township Board of Trustees has duly considered the nature of the amendment and the reasons therefore, the recommendation of the Plain Township Zoning Commission, the Stark County Regional Planning Commission, and the information provided by any and all other interested persons,

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Plain Township Board of Trustees, Stark County, Ohio to adopt the recommendation of the Plain Township Zoning Commission for denial.

Seconded by Mrs. Bossart.

Vote: Mrs. Bossart, yes; Mr. Leno, yes; Mr. Giavasis, yes.

### **COMMUNICATIONS:**

1. Stark County Regional Planning Commission – regarding a housing rehabilitation project in the neighborhood of 200 to 300 blocks of 33<sup>rd</sup> St. NE, giving the money spent and used.
2. Church of the Covenant – regarding use of portable signs.
3. Danny Bove – requesting a light and giving his reasons for it at Middlebranch and Diamond.

### **CONCERNS OF TRUSTEES:**

Mr. Giavasis added that he had been contacted by someone who lives in the Cuyahoga County area in Cleveland, who represents a group from Cleveland that has several affiliates in a tri-state area, who have taken on the Giant Eagle in their bid to keep people from going in plazas. He said they go through and organize groups from congregations and they wanted to meet with him and Mr. Cozy on the first Tuesday of June and possibly then with one of the other trustees and he wanted to inform the other two Board members of this.

Secondly, Mrs. Bossart added Smoking Policy. She wanted to know what the current policy was with regard to smoking, and Mr. Cozy said there is no smoking in any buildings, and there is not to be any smoking in vehicles. They will address this in the future.

At this point, Mrs. Sponseller said that she wanted to announce that the Community Reinvestment Area had been advertised in the paper and that the finalization should be coming forth soon.

### **APPROVAL OF MINUTES:**

#04-293

Motion by Mr. Leno,  
BE IT HEREBY RESOLVED by the Plain Township Board of Trustees,  
Stark County, Ohio to waive the reading of the minutes of the regular  
meeting held April 13, 2004 and make them a part of the record as if read  
in their totality; and

**APPROVAL OF MINUTES:** (continued)

BE IT FURTHER RESOLVED by the Plain Township Board of Trustees, Stark County, Ohio to approve the minutes of the regular meeting held April 13, 2004 as presented.

Seconded by Mr. Giavasis.

Vote: Mrs. Bossart, yes; Mr. Leno, yes; Mr. Giavasis, yes.

#04-294

Motion by Mr. Giavasis,

BE IT HEREBY RESOLVED by the Plain Township Board of Trustees, Stark County, Ohio to waive the reading of the minutes of the special meeting held April 16, 2004 and make them a part of the record as if read in their totality; and

BE IT FURTHER RESOLVED by the Plain Township Board of Trustees, Stark County, Ohio to approve the minutes of the special meeting held April 16, 2004 as presented.

Seconded by Mrs. Bossart.

Vote: Mrs. Bossart, yes; Mr. Leno, yes; Mr. Giavasis, yes.

**EXECUTIVE SESSION:**

#04-295

Motion by Mr. Giavasis,

BE IT HEREBY RESOLVED by the Plain Township Board of Trustees, Stark County, Ohio to adjourn to executive session at 9:44 p.m. from this regular meeting of April 27, 2004 as authorized under Ohio Revised Code 121.22(G) for the purpose of the consideration of: compensation of a public employee or official; preparing for, conducting or reviewing negotiations or bargaining sessions with public employees.

Seconded by Mr. Leno.

Vote: Mrs. Bossart, yes; Mr. Leno, yes; Mr. Giavasis, yes.

#04-296

Motion by Mr. Giavasis to return to regular session at 10:43 p.m.

Seconded by Mrs. Bossart.

Vote: Mrs. Bossart, yes; Mr. Leno, yes; Mr. Giavasis, yes.

**ANNOUNCEMENTS:**

#04-297

Motion by Mr. Giavasis,

BE IT HEREBY RESOLVED by the Plain Township Board of Trustees, Stark County, Ohio, to amend Resolution#04-269, to increase Joe Snyder's pay rate to \$120.00 per week for expanded duties for the Parks Department, plus \$50.00 per week for opening and closing the gates at the Yard Waste Recycling Center, effective April 19, 2004.

Seconded by Mr. Leno.

Vote: Mrs. Bossart, yes; Mr. Leno, yes; Mr. Giavasis, yes.

#04-298 Motion by Mr. Giavasis,  
BE IT HEREBY RESOLVED by the Plain Township Board of Trustees,  
Stark County, Ohio, to approve the attached contract with the Stark  
County Sheriff for police services. The contract shall be in effect from  
January 1, 2004 to December 31, 2006.  
BE IT FURTHER RESOLVED by the Plain Township Board of Trustees,  
Stark County, Ohio, to authorize payment to the Stark County Sheriff at  
a monthly rate of \$108,877.50.  
Seconded by Mr. Leno.  
Discussion: Mrs. Bossart said that she had talked with Sheriff Swanson  
about giving the Township a separate fund within the Rotary Fund so  
that the funds could be kept track of separately, and that he refused.  
Vote: Mrs. Bossart, yes; Mr. Leno, yes; Mr. Giavasis, yes.

**ANNOUNCEMENTS:** (continued)

#04-299 Motion by Mr. Giavasis,  
BE IT HEREBY RESOLVED by the Plain Township Board of Trustees,  
Stark County, Ohio, to approve the attached contract with the Stark  
County Sheriff for the D.A.R.E. Officer. The contract shall be in effect  
from January 1, 2004 to June 7, 2004.  
BE IT FURTHER RESOLVED by the Plain Township Board of Trustees,  
Stark County, Ohio, to authorize payment to the Stark County Sheriff of  
\$8,944.11 for the term of this agreement.  
Seconded by Mr. Leno.  
Vote: Mrs. Bossart, yes; Mr. Leno, yes; Mr. Giavasis, yes.

#04-300 Motion by Mr. Giavasis,  
BE IT HEREBY RESOLVED by the Plain Township Board of Trustees,  
Stark County, Ohio, to approve the attached contract with the Stark  
County Sheriff for the COPS in Schools Deputy. The contract shall be in  
effect from January 1, 2004 to June 7, 2004.  
BE IT FURTHER RESOLVED by the Plain Township Board of Trustees,  
Stark County, Ohio, to authorize payment to the Stark County Sheriff of  
\$21,220.56 for the term of this agreement.  
Seconded by Mr. Leno.  
Discussion: Mrs. Bossart said that she did not feel that the Township  
should be paying for this; that there should be some type of agreement  
made with the schools to pay for it. Mr. Giavasis agreed, and said that  
though they all realized the importance of this officer, they would have to  
come to terms in the future with an agreement of how it should be paid  
for. Mr. Leno also agreed.  
Vote: Mrs. Bossart, no; Mr. Leno, yes; Mr. Giavasis, yes.

**ADJOURNMENT:**

#04-301 Motion by Mrs. Bossart,

BE IT HEREBY RESOLVED by the Plain Township Board of Trustees,  
Stark County, Ohio to adjourn at 10:48 p.m.  
Seconded by Mr. Giavasis.  
Vote: Mrs. Bossart, yes; Mr. Leno, yes; Mr. Giavasis, yes.

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Pamela S. Bossart  
Trustee

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Louis P. Giavasis  
Trustee

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Albert P. Leno, II  
Trustee

ATTEST: \_\_\_\_\_  
Claude W. Shriver, II  
Clerk