

2600 Easton St. NE
Canton, OH 44721

Page 1 of 10
September 28, 04

WORK SESSION

ATTENDANCE:

Pamela Bossart, Louis Giavasis, Albert Leno, II, Claude W. Shriver, II, Mark Cozy, Eric Williams, Joe Iacino, John Sabo, Sam Tuttle, Michelle Mahoney, Mary Lee Sponseller.
Media present: None.

President Giavasis convened the work session at 6:20 p.m.

Rich LaRocco from ME Consultants was present to go over future road projects. He discussed the Fulton Road Widening and explained that there may be a retaining wall needed at the plaza across from St. Michael's. He also said that Putman will lose approximately 56 parking spaces in front and they want temporary parking to the rear. It will cost \$70,000. There will be three walls that may be needed between the drive openings. The Township would be responsible for the design of the three walls, which is \$6,700.

He also discussed Schneider St. at the school. Another lane will be added within the school limits, a left turn lane 700 feet long. He also discussed State Route 43 and Bellview, the Columbus and Harmont intersection, and the Pickett St. culvert replacement, and the 29th St. Storm Sewer Project. The 25th St. joint Ohio Public Works Project will hopefully have funding. The Applegrove Stage I plans are being developed for construction in 2007. He also discussed the State Route 43 transportation bill.

REGULAR MEETING

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, John Sabo, Sam Tuttle, Michelle Mahoney, Mary Lee Sponseller.
Media present: Cal Peters, WHBC; Natalie Lariccia, the Repository; Betty O'Neill-Roderick, Akron Beacon Journal.

AGENDA: The agenda was presented and there were additions. Communications #5 and 6 – Direct Energy were added. Zoning added Unfinished Business #4 – 3706 Whipple. Mr. Tuttle added Sheriff's Report #3 – Gates at Alpine.

SHERIFF'S REPORT:

Sgt. Curry was present, as well as Detective Stantz. The parking problem on Diamond was discussed by Mr. Tuttle. He said that he would like to have the cars start being ticketed. There were over 35 cars illegally parked on Diamond St. this past weekend.

SHERIFF'S REPORT: (continued)

Incidents on McDowell – Mr. Giavasis said that he had a lady call crying on the phone that there is a problem and incidents on McDowell with a 13-year-old problem child. Sgt. Curry was aware of this, and said that he would bring Mr. Cozy up to speed with this problem, and that there is an investigation in progress.

Gates at Alpine – Mr. Tuttle said that there has been a problem and they need to be reminded at the Sheriff's Department to close the gates. Some of the neighbors get upset when they hear voices in there during the wee hours of the morning. Mr. Leno said that this is not the first time this has occurred and wanted to know if they could pay closer attention to it.

Mrs. Bossart mentioned the parking problem at the games at Fawcett Stadium. Sgt. Curry said that there is not any way that the Sheriff's Department can direct traffic with four people on duty; however, they are responding to calls when there is a problem in that area with parking.

UNFINISHED BUSINESS:

1. Fulton Road Widening – the resolution was tabled until the next meeting.
2. 47th Street Widening – Mr. Cozy said that he met with the property owner, Mr. Griffith, who was very open to work out an agreement to use his 15- foot property as we widen 47th St. Mr. Williams said that he was very amicable to the situation and was very nice to work with.
3. Division of Liquor Control – Aldi – a notice of a hearing that the Plain Local Schools are opposing this because they have a school within 500 feet of this Aldi location.
4. 3706 Whipple – Mrs. Mahoney said that the property at 3706 Whipple was cleaned up.

CLERK'S REPORT:

1. Pending Warrants –

#04-558

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 \$171,736.19 as attached hereto and made a part of these minutes.

Seconded by Mrs. Bossart.

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

CLERK’S REPORT: (continued)

2. Regular Payroll –

#04-559 Motion by Mrs. Bossart,
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.

3. Payment of Medical Claims –

#04-560 Motion by Mr. Leno,
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>
09/16/04	EFT 48973	#13,198.54
09/27/04	EFT 49028	7,570.19
09/28/04	EFT 49029	7,142.03

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

4. Investment Report - Mr. Shriver told the Board that a recent CD that came due was rolled over into the money market at Sky Bank, and that he would be checking in the very near future on investment rates to possibly ladder out some CDs with the money that is presently invested in the money market.

5. Release of Fire Insurance Proceeds –

#04-561 Motion by Mr. Giavasis,
BE IT HEREBY RESOLVED by the Plain Township Board of Trustees, Stark County, Ohio, to authorize the release of insurance proceeds being retained for a loss caused by fire at 5234 Violet Knoll Avenue NE in the amount of \$10,000.00 to Philip and Victoria Roholt at 5234 Violet Knoll Avenue NE, Canton, OH 44705 as authorized by Thomas M. McCallin, Captain, Bureau of Life Safety and Records.
Seconded by Mrs. Bossart.
Vote: Mrs. Bossart, yes; Mr. Leno, yes; Mr. Giavasis, yes.

6. Removal of Building – 3906 Regentview –

#04-562 Motion by Mr. Leno,
BE IT HEREBY RESOLVED by the Plain Township Board of Trustees, Stark County, Ohio, to authorize the release of insurance proceeds being retained for a loss caused by fire at 3906 Regentview in the amount of \$9,220.00 as follows: \$4,960.00 to Cottrill Wrecking Co., 3576 Erie Ave. SW, Massillon, OH 44646; and \$4,260.00 to American General Finance, 5010 Carriage Dr., Evansville, IN 47715, as authorized by Thomas M. McCallin, Captain, Bureau of Life Safety and Records.
Seconded by Mr. Giavasis.
Vote: Mrs. Bossart, yes; Mr. Leno, yes; Mr. Giavasis, yes.

2600 Easton St. NE
Canton, OH 44721

Page 4 of 10
September 28, 04

CLERK’S REPORT: (continued)

7. Transfer of Funds –

#04-563

Motion by Mrs. Bossart.

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

FROM	TO	AMOUNT
01-A-26e – Other Expenses	01-A-05 – Equipment – Administration	\$1,500.00
10-A-04 – Tools & Equipment	10-A-15b – Other – Building Repairs	3,000.00
28-A-05 – Tools & Equipment	28-A-08A – EMS Collections	3,000.00

Seconded by Mr. Giavasis.

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

FIRE DEPARTMENT:

There was no report; however, Chief Sabo did give a brief review of the deployment of the department in to the Belmont County area for the flooding in southern Ohio. He will share more information on an individual basis with Board members as they would like to see pictures he had brought back.

ROAD DEPARTMENT:

1. Reimbursement – Broken Car Window – an update. Mr. Williams, the Law Director, said that he had talked to the lady and that he is going to review the contract and get with the contractor and the sub, and if nothing is worked out, she will file a small claims and we would probably not be named in the suit.
2. Speed Zones – Mr. Iacino presented the Board with a procedure for setting speed zones which the Road Department can do now in developments of 25 mph.
 - a. Boulder Creek NE –

#04-564

Motion by Mrs. Bossart,

WHEREAS, a request has been made to this Board that the statutory vehicular speed limit established by Sec. 4511.21, Revised Code of Ohio is greater than that considered reasonable, and safe on **Boulder Creek Ave NE** between **Stone Crossing** and **South Terminus**, Plain Township, Stark County, Ohio.

WHEREAS, this Board has caused to be made a traffic engineering investigation upon the section of road described above: and

WHEREAS, it is the belief of this Board that such investigation confirms the allegation that the statutory speed limit of _____ mph is unrealistic:

NOW, THEREFORE, BE IT RESOLVED by the Plain Township Trustees of Stark County, Ohio that:

2600 Easton St. NE
Canton, OH 44721

Page 5 of 10
September 28, 04

ROAD DEPARTMENT: (continued)

By the virtue of the provisions of Sec. 4511.21, Revised Code of Ohio, the Trustees have determined that the Roadway Superintendent has declared a reasonable and safe speed limit of **25** mph on the section of road described hereof, therefore, standard signs, properly posted and giving notice thereof will be erected.

Seconded by Mr. Leno.

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

b. Harvest Ridge NE –

#04-565

Motion by Mr. Leno,

WHEREAS, a request has been made to this Board that the statutory vehicular speed limit established by Sec. 4511.21, Revised Code of Ohio is greater than that considered reasonable, and safe on **Harvest Ridge Ave NE** between **Stone Crossing St** and **South Terminus**, Plain Township, Stark County, Ohio.

WHEREAS, this Board has caused to be made a traffic engineering investigation upon the section of road described above: and

WHEREAS, it is the belief of this Board that such investigation confirms the allegation that the statutory speed limit of _____ mph is unrealistic:

NOW, THEREFORE, BE IT RESOLVED by the Plain Township Trustees of Stark County, Ohio that:

By the virtue of the provisions of Sec. 4511.21, Revised Code of Ohio, the Trustees have determined that the Roadway Superintendent has declared a reasonable and safe speed limit of **25** mph on the section of road described hereof, therefore, standard signs, properly posted and giving notice thereof will be erected.

Seconded by Mr. Giavasis.

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

3. Stone Crossing NE –

#04-566

Motion by Mr. Giavasis,

WHEREAS, a request has been made to this Board that the statutory vehicular speed limit established by Sec. 4511.21, Revised Code of Ohio is greater than that considered reasonable, and safe on **Stone Crossing St NE** between **Boulder Creek** and **East Terminus**, Plain Township, Stark County, Ohio.

WHEREAS, this Board has caused to be made a traffic engineering investigation upon the section of road described above: and

WHEREAS, it is the belief of this Board that such investigation confirms the allegation that the statutory speed limit of _____ mph is unrealistic:

NOW, THEREFORE, BE IT RESOLVED by the Plain Township Trustees of Stark County, Ohio that:

ROAD DEPARTMENT: (continued)

By the virtue of the provisions of Sec. 4511.21, Revised Code of Ohio, the Trustees have determined that the Roadway Superintendent has declared a reasonable and safe speed limit of **25** mph on the section of road described hereof, therefore, standard signs, properly posted and giving notice thereof will be erected.

Seconded by Mrs. Bossart.

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

d. White Stone NE –

#04-567

Motion by Mrs. Bossart,

WHEREAS, a request has been made to this Board that the statutory vehicular speed limit established by Sec. 4511.21, Revised Code of Ohio is greater than that considered reasonable, and safe on **White Stone Circle NE** between **Boulder Creek Avenue** and **NE Terminus**, Plain Township, Stark County, Ohio.

WHEREAS, this Board has caused to be made a traffic engineering investigation upon the section of road described above: and

WHEREAS, it is the belief of this Board that such investigation confirms the allegation that the statutory speed limit of ____ mph is unrealistic:

NOW, THEREFORE, BE IT RESOLVED by the Plain Township Trustees of Stark County, Ohio that:

By the virtue of the provisions of Sec. 4511.21, Revised Code of Ohio, the Trustees have determined that the Roadway Superintendent has declared a reasonable and safe speed limit of **25** mph on the section of road described hereof, therefore, standard signs, properly posted and giving notice thereof will be erected.

Seconded by Mr. Leno.

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

3. 30th Street Speed Limit – Mr. Iacino said that he had a complaint and years ago this was turned in to the State and they increased the speed limit by 5 mph. The Board decided to have a private study done on 30th Street between Harmont and Harrisburg Rd.
4. No Parking Signs – 48th & Middlebranch – this will be held over until the next meeting until we can talk to the possible perpetrators who are parking there to see if they will cooperate and not park there in the future.

ZONING DEPARTMENT:

1. Payment & Certification of Nuisance Abatements –

a. 2530 43rd St. NW –

#04-568

Motion by Mrs. Bossart,

WHEREAS, the Plain Township Board of Trustees, Stark County, Ohio has given notice to the owner of property located at 2530 43rd St. NW (Parcel #52-15810) to abate the nuisance on this property (Resolution #04-524) on August 24, 2004; and

2600 Easton St. NE
Canton, OH 44721

Page 7 of 10
September 28, 04

ZONING DEPARTMENT: (continued)

WHEREAS, the Plain Township Board of Trustees provided for said abatement through the services of Plain Township Maintenance Department at a cost of \$193.00; and
WHEREAS, the Plain Township Board of Trustees incurred costs for services and notification in the amount of \$175.52;
NOW, THEREFORE, BE IT HEREBY RESOLVED by the Plain Township Board of Trustees, Stark County, Ohio to instruct the Clerk to forward to the Stark County Auditor the Report To County Auditor of Township Action Regarding Abatement of a Nuisance certifying the total cost of \$368.52 to be placed on the property owner's tax duplicate.
Seconded by Mr. Giavasis.
Vote: Mrs. Bossart, yes; Mr. Leno, yes; Mr. Giavasis, yes.

b. 2104 40th St. NW –

#04-569

Motion by Mr. Giavasis,
WHEREAS, the Plain Township Board of Trustees, Stark County, Ohio has given notice to the owner of property located at 2104 40th St. NW (Parcel #52-10704) to abate the nuisance on this property (Resolution #04-549) on September 14, 2004; and
WHEREAS, the Plain Township Board of Trustees provided for said abatement through the services of Plain Township Maintenance Department at a cost of \$144.00; and
WHEREAS, the Plain Township Board of Trustees incurred costs for services and notification in the amount of \$189.46;
NOW, THEREFORE, BE IT HEREBY RESOLVED by the Plain Township Board of Trustees, Stark County, Ohio to instruct the Clerk to forward to the Stark County Auditor the Report To County Auditor of Township Action Regarding Abatement of a Nuisance certifying the total cost of \$333.46 to be placed on the property owner's tax duplicate.
Seconded by Mr. Leno.
Vote: Mrs. Bossart, yes; Mr. Leno, yes; Mr. Giavasis, yes.

2. Nuisance Abatements –

a. 2636 Dorothy Ave. NE –

#04-570

Motion by Mrs. Bossart,
WHEREAS, Ohio Revised Code Section 505.87 authorizes the Board of Trustees to provide for the abatement, control, or removal of vegetation, garbage, refuse, and other debris from land in the Township if the Board determines that the property owners maintenance of such vegetation, garbage, refuse and other debris constitutes a nuisance; and
WHEREAS, a complaint was filed and processed regarding a nuisance property condition at 2636 Dorothy Ave. NE, Stark County, Ohio (Parcel #52-07000); and
WHEREAS, a certified notice providing the property owner with seven (7) days to address the matter with the Zoning Director was sent August 26, 2004 and returned “Unable to Forward”; and
WHEREAS, the Zoning Director has provided evidence of a nuisance condition on the property;
NOW, THEREFORE, BE IT HEREBY RESOLVED by the Plain Township Board of Trustees, Stark County, Ohio that:

2600 Easton St. NE
 Canton, OH 44721

Page 8 of 10
 September 28, 04

ZONING DEPARTMENT: (continued)

1. Trash and/or debris constitute a nuisance under Ohio Revised Code Section 505.87 and
2. The nuisance shall be abated, controlled, or removed according to the procedures outlined in ORC Section 505.87, and
3. Instruct and authorize the Plain Township Clerk to prepare and publish notice of this decision by publication in a newspaper of general circulation within Plain Township.

Seconded by Mr. Leno.

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

Mrs. Mahoney said that she has a court date for September 30 regarding a property on Lakeside Avenue.

COMMUNICATIONS:

1. Stark County Engineer – regarding seven Ohio Public Works projects prioritization. Number one was the Harmont/Columbus intersection.
2. Aultworks - regarding flu vaccination schedules.
3. Valerie Cizek – asking for sponsorship for Miss Ohio Teen.
4. Stark County Commissioners – regarding the Pickett St. culvert. It said that in the future the County Commissioners do not need to be a signature in any of the agreements that are worked out between the Engineer’s office and the Township.
5. Direct Energy – information for gas aggregates. This will be on the ballot for November 1.
6. Direct Energy – information for gas aggregates. This will be on the ballot for November 1.

CONCERNS OF CITIZENS:

Chet Seran, of 3602 Heatherwood Cir., said that he had called in and wanted to erect a carport, and was told that it would have to be attached to his garage. He seemed to be confused as to what the right-of-way was. Mr. Giavasis drew on the board what the right-of-way was, 25 foot from the center line, and then his existing garage had to be 40 foot from the right-of-way, which would be a total of 65 feet. His present garage is right on that limit right now. Therefore, he would need to go to the Board of Zoning Appeals for a variance. However, after further discussion, he discovered he could change his plan to the rear of the garage and get the Road Department to issue a drive permit, so this problem is solved.

2600 Easton St. NE
Canton, OH 44721

Page 9 of 10
September 28, 04

APPROVAL OF MINUTES:

- #04-571 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 regular meeting held September 14, 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 regular meeting held September 14, 2004 as presented.
Seconded by Mrs. Bossart.
Vote: Mrs. Bossart, yes; Mr. Leno, yes; Mr. Giavasis, yes.

EXECUTIVE SESSION:

- #04-572 Motion by Mr. Giavasis,
BE IT HEREBY RESOLVED by the Plain Township Board of Trustees, Stark County, Ohio to adjourn to executive session at 8:02 p.m. from this regular meeting of September 28, 2004 as authorized under Ohio Revised Code 121.22(G) for the purpose of the consideration of: employment of a public employee or official; compensation of a public employee or official; a conference with the law director or other retained counsel concerning pending or imminent court action.
Seconded by Mrs. Bossart.
Vote: Mrs. Bossart, yes; Mr. Leno, yes; Mr. Giavasis, yes.
- #04-573 Motion by Mr. Giavasis to return to regular session at 8:47 p.m.
Seconded by Mrs. Bossart.
Vote: Mrs. Bossart, yes; Mr. Leno, yes; Mr. Giavasis, yes.

ANNOUNCEMENTS:

- #04-574 Motion by Mr. Giavasis,
BE IT HEREBY RESOLVED by the Plain Township Board of Trustees, Stark County, Ohio to hire Beth Murphy as a part-time recreation supervisor at the Diamond Street Recreation Center at a rate of \$6.50 per hour with no benefits, effective October 1, 2004.
Discussion: Mr. Giavasis said that the increases would total \$1,600 at the Diamond complex and that revenues had increased \$16,000 because of the extra things that are being brought in.
Seconded by Mr. Leno.
Vote: Mrs. Bossart, yes; Mr. Leno, yes; Mr. Giavasis, yes.
- #04-575 Motion by Mr. Giavasis,
BE IT HEREBY RESOLVED by the Plain Township Board of Trustees, Stark County, Ohio, to increase the hourly rate paid to part-time recreation supervisors as follows: Liza Parkinson to \$7.50; Kristie Koehler and John Michael Safar to \$8.50; Cheryl Lasick to \$8.00; Steve Lasick to \$7.75; all increases to be effective October 1, 2004.
Seconded by Mrs. Bossart.
Vote: Mrs. Bossart, yes; Mr. Leno, yes; Mr. Giavasis, yes.

2600 Easton St. NE
Canton, OH 44721

Page 10 of 10
September 28, 04

ADJOURNMENT:

#04-576 Motion by Mrs. Bossart,
BE IT HEREBY RESOLVED by the Plain Township Board of
Trustees, Stark County, Ohio to adjourn at 8:49 p.m.
Seconded by Mr. Giavasis.
Vote: Mrs. Bossart, yes; Mr. Leno, yes; Mr. Giavasis, yes.

Pamela S. Bossart
Trustee

Louis P. Giavasis
Trustee

Albert P. Leno, II
Trustee

ATTEST: _____
Claude W. Shriver, II
Clerk