

2600 Easton St. NE
Canton, OH 44721

Page 1 of 8
March 22, 05

WORK SESSION

ATTENDANCE:

Pamela Bossart, Louis Giavasis, Albert Leno, II, Claude W. Shriver, II, Mark Cozy, Randy Traub, Joe Iacino, Sam Tuttle, Michelle Mahoney, Mary Lee Sponseller.

President Giavasis convened the work session at 6:15 p.m. Mr. Pat Long was present from Lexington Farms to go over the covenant with the Board of Trustees. They went over the covenant in detail. However, Mr. Giavasis said that it would be unfair to commit to the entire package at the present time, especially items J through L in the covenant, (which is attached to the minutes), when they have already told others no. He said that out of fairness, they should come back to the Board with the covenant agreement for the remaining acreage, but that Mr. Long could get started with his development. Mr. Long said that it was a hardship because the entire amenity package within the development was determined by how many homes could be built. Mr. Giavasis and the Board explained to him that he could come back, that they were pleased with the renderings that he had submitted of the development. It was again explained to him that there would be a mechanism in place in the future when he came back as a developer to get the zone change for the remaining acreage of his project.

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, Randy Traub, Joe Iacino, Sam Tuttle, Michelle Mahoney, Mary Lee Sponseller.

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

AGENDA: Approved as prepared.

SHERIFF'S REPORT:

Judy Rossetti, of Mt. Pleasant St., thanked the Sheriff's Department for their rapid response to a deer being hit on the road and then being destroyed by the Sheriff's Department because it was in pain and could not get up.

UNFINISHED BUSINESS:

1. Website – Gordon East was present, as was Teresa Dolan, talking about the management of the website. Mrs. Dolan explained that due to her time commitment in taking care of other matters, she did not really have the time nor did she have the expertise in the HTML format. It was suggested that Mr. Gordon East, who designed the website, manage the website, and it was agreed to by the Board that he would do the website on a 24-hour turnaround on an as-needed basis in updating the items requested.
2. Ohio Division of Liquor Control – Frank's Fly Thru – was okayed.

2600 Easton St. NE
Canton, OH 44721

Page 2 of 8
March 22, 05

NEW BUSINESS:

1. Solid Waste Management Plan – was put on hold.

7:15 P.M. PUBLIC HEARING – ZONING AMENDMENT 536

Mrs. Mahoney introduced the amendment by Cairo Properties on acreage at the corner of Mt. Pleasant and Market Avenue. Mr. Bryan Ashman was present as the engineer for Cairo Properties to give a detailed presentation on the allotment, which will be called Willowbrook Estates. He used a Power Point presentation and was very thorough in his study, covering all areas of concern from drainage to traffic to contour of land, etc.

Mr. Giavasis had several comments, as did the other Board members. He also said that he had a safety concern. Mr. Leno said that he had a safety concern expressed by Chief Sabo about parking on the street. Mr. Leno pointed out that if someone is having some type of function or party at their home and there are 20 or 30 cars in the street, it was a concern for him as these would be private roads. Scott Zurakowski, the attorney for the developer, also spoke to the Board and addressed some of their concerns.

There were several members of the audience present. Mr. Giavasis asked if there was anyone in favor, and there were none. Those speaking against the amendment were Dwight Shetler, of Echo St.; Gary Feller, of Mt. Pleasant St.; Sandy Macarie, of Diamond St.; Gary Lalone, of Mt. Pleasant St.; Mike Holbrook, of Zircon NE, Fred Rossetti, of Mt. Pleasant NE; Chris Borello, of Mt. Pleasant NE; Joe Sirgo, of Skyway NE, Vere Ream, of Garnet St.; Robert Wilson, of Diamond NE; and Kevin Keplinger, of Mt. Pleasant.

Mr. Ashman, after hearing the response from the residents, wanted to get the fact on record that the intent of the developer was to proceed with development of the land. They felt that using the PUD tool was the proper thing to do because they had understood that that is what the Board of Trustees wanted. He attempted to address all of the concerns of the residents present.

Mr. Giavasis said that originally the Planned Unit Development was written so that if it is done correctly it should allow for some open space but at the same time allow a little more density. He said that it has become controversial and it should not be controversial. If it is done correctly and is consistent with existing property, it would be a nice development. However, he personally does not feel that this particular area in the Township is necessarily right for a planned unit development. Mrs. Bossart agreed with Mr. Giavasis' comments and also said that she did not care for the open space within this particular planned unit development and also she had concerns over the private roads and she did not think that this particular piece of land was appropriate. Mr. Leno reiterated his concern about parking and also his concern about private roads. Mr. Cozy stated that just recently he was at a seminar where the expert speaker talked about townships and municipalities not getting involved in private roads by developers. It was their way to circumvent setbacks and also possibly build not the right type of structure.

#05-133

Motion by Mr. Giavasis,
WHEREAS, a public hearing was held on March 22, 2005 by the Plain Township Board of Trustees to consider Amendment #536 to the Plain Township Zoning Resolution; and
WHEREAS, such hearing was properly and timely held pursuant to Ohio Revised Code 519.12; and

2600 Easton St. NE
Canton, OH 44721

Page 3 of 8
March 22, 05

7:15 P.M. PUBLIC HEARING – ZONING AMENDMENT 536 (continued)

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.

NEW BUSINESS: (continued)

- 2. Central Maintenance Manager - there was a rough draft of a job description passed out to the Board. There was detailed description by the Board of Trustees and various staff members as to this position, and they will look into it further in the future and will talk to various present employees about their present work schedules, etc.

PARKS & RECREATION:

The Parks Department was moved up so that Mr. Tuttle could go home, due to the hour of the evening.

- 1. Purchase of Grass Seed -

#05-134

Motion by Mr. Leno,
BE IT HEREBY RESOLVED by the Plain Township Board of Trustees, Stark County, Ohio, to authorize the purchase of 1,500 pounds of Sure Start Seed from Besturf Seed for the amount of \$2,115.00.

Seconded by Mr. Giavasis.

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

NEW BUSINESS: (continued)

- 3. Local Government Funds -

#05-135

Motion by Mrs. Bossart,
WHEREAS, the Local Government Fund was established in the 1930's by an amendment to the Ohio State Constitution to relieve the local property tax burden on the State of Ohio's citizens;
WHEREAS, this tax burden was to be offset through the revenue sharing of State of Ohio Sales Taxes, Income Taxes, Corporate Franchise Taxes, Public Utility Taxes, and Kilowatt Hour Taxes through the Local Government Fund;
WHEREAS, the State of Ohio established the Local Government Revenue Assistance Fund to make this revenue sharing more equitable for local governments;
WHEREAS, the proposed Executive Budget, House Bill 66, calls for freezing the amount of Local Government Funds shared with local governments for the year 2005 and cutting Local Government Funds due to Plain Township by 10% in the year 2006;
WHEREAS, Local Government Funds constitutes 48% of Plain Township's General Fund which provides for the administration of the duties of Board of Trustees and Clerk, Fire & Rescue Services, Police Services, Road Maintenance, Zoning, Parks & Recreation, Computer Systems, Engineering, Legal Representation, and the maintenance of the Township Hall and grounds;

2600 Easton St. NE
Canton, OH 44721

Page 4 of 8
March 22, 05

NEW BUSINESS: (continued)

WHEREAS, any reductions to Local Government Funds will result in the reduction and/or elimination of these aforementioned services; and WHEREAS, the Plain Township Board of Trustees considers Executive Budget, House Bill 66, to be a violation of the understanding set forth by an amendment passed during the 1930's establishing the Local Government Fund;

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Plain Township Board of Trustees, Stark County, Ohio, to request that the Ohio Legislature retain the current formula for calculating the amount of money local governments receive from the State of Ohio through Local Government Funds.

Seconded by Mr. Giavasis.

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

CLERK'S REPORT:

1. Pending Warrants –

#05-136

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 \$87,216.34 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. a. Regular Payroll –

#05-137

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 \$125,000.00.
Seconded by Mrs. Bossart.

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

b. Volunteer Payroll –

#05-138

Motion by Mr. Leno,
BE IT HEREBY RESOLVED by the Plain Township Board of Trustees, Stark County, Ohio, to authorize the payment of the volunteer payroll for the 1st Quarter 2005 in an amount not to exceed \$30,000.00.
Seconded by Mrs. Bossart.

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

3. Payment of Medical Claims –

#05-139

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>
03/15/05	EFT 50286	\$ 8,955.32
03/22/05	EFT 50351	15,591.27

Seconded by Mr. Leno.

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

4. The Investment Report was given. There were no questions.

2600 Easton St. NE
Canton, OH 44721

Page 5 of 8
March 22, 05

CLERK’S REPORT: (continued)

5. Transfer of Funds –

#05-140 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:

<u>FROM</u>	<u>TO</u>	<u>AMOUNT</u>
01-A-26E – Other Expenses	01-A-26 – Other Expenses – Nuisance Properties	\$ 3,000.00

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

6. Overpayments for EMS –

#05-141 Motion by Mr. Leno,
BE IT HEREBY RESOLVED by the Plain Township Board of Trustees,
Stark County, Ohio, to authorize a refund as follows for overpayments for
Emergency Medical Services as requested by Ohio Billing, Inc.:

<u>PAYABLE TO</u>	<u>AMOUNT</u>
Elizabeth Burick (for Paul Bruder)	\$65.24

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

7. Clerk’s Bond – Mr. Shriver explained that the Attorney General of the
State of Ohio had ruled that the new clerk’s bond would be in effect
for presently elected clerk. However, it would have to go into effect
with newly elected clerks, so his office had elected not to spend the
money for the new clerk’s bond.

8. Overpayment of False Alarms –

#05-142 Motion by Mr. Leno,
BE IT HEREBY RESOLVED by the Plain Township Board of Trustees,
Stark County, Ohio, to authorize the refund of \$75.00 to Napier Ohio
Development, 5080 Aultman Ave. NW, North Canton, OH 44720, for
overpayment of false alarms at Movies 4.

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

ZONING DEPARTMENT:

The Zoning Department was moved up.

1. Purchase of Copier -

#05-143 Motion by Mr. Giavasis,
BE IT HEREBY RESOLVED by the Plain Township Board of Trustees,
Stark County, Ohio, to authorize the purchase of a Toshiba E-Studio 350
Digital Copier from Copier Sales, Inc. in the amount of \$6,653.00 (state
purchase price).

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

2600 Easton St. NE
Canton, OH 44721

Page 6 of 8
March 22, 05

ROAD DEPARTMENT:

The Road Department was moved up.

1. Sweeper Broom Purchase –

#05-144

Motion by Mr. Giavasis,
BE IT HEREBY RESOLVED by the Plain Township Board of Trustees, Stark County, Ohio to authorize the purchase of main brooms and side brooms for both sweepers from United Rotary Brush not to exceed an amount of two thousand sixty-nine dollars and 31 cents (\$2,069.31) from Fund 4-A-5C.

Seconded by Mrs. Bossart.

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

2. Purchase of Gradall – Mr. Iacino went over some details with regard to the purchase of a new Gradall, and said that he will keep the Board in tune as to his progress and will check out some various plans as well as the State purchasing program. His hopes were to put this in for purchase the first part of April. They also will discuss what to do with the present sweeper and may end up keeping it. He will get back with the Board with more information.

ADMINISTRATOR:

1. Neil Avenue Ditch - Mr. Cozy went over correspondence from Gary Conner of Stark County Engineer's office which stated that part of the flooding on a resident's property is being caused by water from the roadway, Mr. Cozy will be contacting Mr. Dutton from the County for further discussion on a remedy.
2. Sale of Mower - The sale of a lawn mower was discussed. The Trustees wanted to know if we would need this for the summer. Mr. Cozy stated we would not. Due to the amount we may get for it, he will look at further options and inform the Board.
3. NPDES Phase II – the Mutual Agreement for Technical Assistance Between Plain Township and Stark County Ohio Soil & Water Conservation District was not approved.
4. Township Auction - Discussion with Board about having a Township Auction. All the department heads were gone at this point, so this will be discussed at another meeting.

FIRE DEPARTMENT:

1. Purchase of EMS Supplies –

#05-145

Motion by Mr. Giavasis,
BE IT HEREBY RESOLVED by the Plain Township Board of Trustees, Stark County, Ohio, to authorize the purchase of 10 Pertrach Kits and training related materials for the new paramedic protocol requirements effective April 1, 2005 from Tri-Anim Corporation in an amount not to exceed \$1,700.00. This will be taken from Account #28-A-06.

Seconded by Mrs. Bossart.

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

2. Purchase of Medications – removed from agenda.

2600 Easton St. NE
Canton, OH 44721

Page 7 of 8
March 22, 05

FIRE DEPARTMENT: (continued)

3. Purchase of InfoRad Paging Software –

#05-146

Motion by Mr. Leno,
BE IT HEREBY RESOLVED by the Plain Township Board of Trustees, Stark County, Ohio, to authorize the purchase of InfoRad Wireless Pro paging software from InfoRad in an amount not to exceed \$800.00, to be taken from Account #10-A-08.

Seconded by Mrs. Bossart.

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

4. Attendance at Bowling Green Fire School –

#05-147

Motion by Mrs. Bossart,
BE IT HEREBY RESOLVED by the Plain Township Board of Trustees, Stark County, Ohio to authorize the attendance of up to five people at the Ohio State Fire School in Bowling Green on May 9 - 13, 2005 and to approve lodging, registration, mileage, meals and parking in an amount not to exceed \$4,500.00, to be taken from Account #10-A-15A.

Seconded by Mr. Giavasis.

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

COMMUNICATIONS:

1. Time Warner Cable - about the franchise fee.
2. Stark County Regional Planning Commission (CDBG) – regarding cuts in funding and suggesting letters be sent to government officials.
3. Stark County Regional Planning Commission (Clean-up) - with regard to Stark County Clean-up Day.
4. Ashley Cheek – asking for donations for her leadership conference.

APPROVAL OF MINUTES:

#05-148

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 March 8, 2005 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 March 8, 2005 as presented.

Seconded by Mrs. Bossart.

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

2600 Easton St. NE
Canton, OH 44721

Page 8 of 8
March 22, 05

ADJOURNMENT:

#05-149 Motion by Mr. Giavasis,
BE IT HEREBY RESOLVED by the Plain Township Board of Trustees,
Stark County, Ohio to adjourn at 10:45 p.m.
Seconded by Mrs. Bossart.
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