

2600 Easton St. NE  
Canton, OH 44721

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June 28, 05

### 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, Eric Williams, Joe Iacino, Steve Peroz, John Sabo, Mary Lee Sponseller. Mr. Cozy was on vacation.

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

**AGENDA:** Approved as prepared.

#### SHERIFF'S REPORT:

1. Hall of Fame Area Residents – there was correspondence from a resident who wanted to know if it would be possible to develop some type of sticker for people who live in the area of the Hall of Fame so that they wouldn't be stopped all the time during the Hall of Fame festivities. The Board felt that it was a little late to look into that for this year, but they would look at possibly doing something for next year.
2. Speeding on Radford – Mr. Iacino said it has been a problem. There is construction going on there. The road is a little narrower than usual due to the construction. He would like a little extra patrol up there because the cars are going too fast on Radford.
3. Kings Creek Apartments – Mr. Giavasis noted that he had filed a police report before. There are some kids from the apartments breaking away the fences around the air conditioning units and throwing them in the pond behind the homes there to try to hit the geese. This wood floats around in the pond and is destructive. He knows which building it is and would like the Sheriff to look into this.

#### UNFINISHED BUSINESS:

1. Sidewalks on 29<sup>th</sup> Street – there were five bids obtained ranging from \$19,900 to \$34,000. There would also be placed a 3-inch curb and tie-ins for the downspouts from the residences to go under the sidewalk into the sewer system. Mr. Williams stated that normally this is paid for by the square footage and this is the fairest way to approach this. He would put together an outline of procedures for the next meeting.
2. Cleveland Avenue Annexation – Mrs. Bossart stated that she was at the meeting when this was denied. It was denied because two of the points were not followed. The Board was pleased with this denial by the Commissioners.

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**NEW BUSINESS:**

1. False Alarms –

#05-302

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	#
Movies 4	3911 Everhard Rd. NW	7th, 8th and 9th
Schumacher Homes	2715 Wise Ave. NW	5th, 6th, 7th, 8th, 9 <sup>th</sup> , 10th
Fisher Foods	4403 Cleveland Ave. NW	7th
Marathon Station	7960 Cleveland Ave. NW	6th, 7th, 8th, 9th, 10 <sup>th</sup> , 11th

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.

2. Ohio Township Association Summer Conference –

#05-303

Motion by Mrs. Bossart,  
BE IT HEREBY RESOLVED by the Plain Township Board of Trustees, Stark County, Ohio to authorize the Trustees, Clerk, and Departments Heads to attend the Ohio Township Association Summer Conference in Perrysburg August 3 - 6, 2005; and to authorize payment of \$40 registration fee, lodging, reimbursement for food, mileage and parking for those attending.

Seconded by Mr. Leno.

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

3. Canton/Plain/Nimishillen/Canton Township Annexation of Railroad – will be discussed in executive session.

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**CLERK’S REPORT:**

1. Pending Warrants –

#05-304 Motion by Mr. Leno,  
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 \$211,382.62 as attached hereto and made a part of these  
minutes.  
Seconded by Mrs. Bossart.  
Vote: Mrs. Bossart, yes; Mr. Leno, yes; Mr. Giavasis, yes.

2. Regular Payroll –

#05-305 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 Mr. Leno.  
Vote: Mrs. Bossart, yes; Mr. Leno, yes; Mr. Giavasis, yes.

3. Payment of Medical Claims –

#05-306 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>
06/21/05	EFT 50708	\$32,428.98
06/28/05	EFT 50778	8,026.44

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

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

5. Ohio Division of Liquor Control – Oakwood Wine & Spirits – on hold  
until the next meeting.

6. EMS Refunds –

#05-307 Motion by Mrs. Bossart,  
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.:  
PAYABLE TO AMOUNT  
Frank Antonacci \$73.52  
Seconded by Mr. Leno.  
Vote: Mrs. Bossart, yes; Mr. Leno, yes; Mr. Giavasis, yes.

7. Payments to Zoning Boards –

#05-308 Motion by Mr. Leno,  
BE IT HEREBY RESOLVED by the Plain Township Board of Trustees,  
Stark County, Ohio, to authorize payment to members of the Plain  
Township Boards of Zoning Appeals and Zoning Commission for the period  
of January 1, 2005 through June 30, 2005 at the rate of \$50 per meeting  
for a total of \$2,750.00.  
Seconded by Mr. Giavasis.  
Vote: Mrs. Bossart, yes; Mr. Leno, yes; Mr. Giavasis, yes.

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

8. Release of Fire Insurance Escrow –

#05-309

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 3002 Root Avenue NE in the amount of  
\$10,000 payable to Ralph Curt Curkendoll, Finnicum Adjusting Co., Inc.  
and Chase Manhattan Mtg. Corp. and mail to Ralph Curkendoll at 3142-  
24<sup>th</sup> Street NE, Apartment F, Canton, OH 44705 as authorized by Thomas  
M. McCallin, Captain, Bureau of Life Safety and Records.  
Seconded by Mr. Leno.  
Vote: Mrs. Bossart, yes; Mr. Leno, yes; Mr. Giavasis, yes.

**ADMINISTRATOR:**

1. The Computer Systems Manager Monthly Report was given.
2. Mosquito Larvacide –

#05-310

Motion by Mr. Leno,  
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 \$780.00, to be paid from 01-A-26E.  
Seconded by Mrs. Bossart.  
Vote: Mrs. Bossart, yes; Mr. Leno, yes; Mr. Giavasis, yes.

**ROAD DEPARTMENT:**

1. Dump Beds –

#05-311

Motion by Mr. Giavasis,  
BE IT HEREBY RESOLVED, by the Plain Township Board of Trustees,  
Stark County, to authorize the purchase of three Henderson Model  
Mark II 10' stainless steel dump beds from Gledhill Road Machinery  
Company not to exceed \$22,500 from Fund 11-A-4 (Tools & Equipment).  
Seconded by Mrs. Bossart.  
Vote: Mrs. Bossart, yes; Mr. Leno, yes; Mr. Giavasis, yes.

2. Salt Spreader & Fenders –

#05-312

Motion by Mr. Giavasis,  
BE IT HEREBY RESOLVED, by the Plain Township Board of Trustees,  
Stark County, to authorize the purchase of one Gledhill Model 2100H  
304 stainless steel under tailgate salt spreader and (3) sets of poly  
fenders with flaps not to exceed \$3,750.00 from Fund 11-A-4 (Tools &  
Equipment).  
Seconded by Mr. Leno.  
Vote: Mrs. Bossart, yes; Mr. Leno, yes; Mr. Giavasis, yes.

**7:30 P.M. 2006 BUDGET HEARING**

The budget hearing was presented at 7:30 P.M. by Mr. Shriver. He informed the board that it would be advisable to have a work session at the next meeting so that the various departments could go over changes with the board. He also stated that Mrs. Reikowski (Finance Director) would be present to answer any questions and for explanation. The Board agreed, so there will be a work session regarding the budget on Jul 12, 2005, 6:00 P.M.

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**ZONING DEPARTMENT:**

- 1. Certification & Payment of Nuisance Abatements –
  - a. Vacant Lot #326 on Peachmont Ave. NW –

#05-313 Motion by Mrs. Bossart,  
 WHEREAS, the Plain Township Board of Trustees, Stark County, Ohio has given notice to the owner of property located at vacant lot #326 on Peachmont Avenue NW (Parcel number #55-02701) to abate the nuisance on this property (Resolution #05-257) on May 24, 2005; and  
 WHEREAS, the Plain Township Board of Trustees provided for said abatement through the services of Plain Township Maintenance Department at a cost of \$117.00; and  
 WHEREAS, the Plain Township Board of Trustees incurred costs for services and notification in the amount of \$76.08;  
 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 \$193.08 to be placed on the property owner's tax duplicate.  
 Seconded by Mr. Leno.  
 Vote: Mrs. Bossart, yes; Mr. Leno, yes; Mr. Giavasis, yes.

- b. 6228 Melody Rd. NE –

#05-314 Motion by Mrs. Bossart,  
 WHEREAS, the Plain Township Board of Trustees, Stark County, Ohio has given notice to the owner of property located at 6228 Melody Road NE (Parcel number #52-15232) to abate the nuisance on this property (Resolution #05-293) on June 14, 2005; and  
 WHEREAS, the Plain Township Board of Trustees provided for said abatement through the services of Plain Township Maintenance Department at a cost of \$704.00; and  
 WHEREAS, the Plain Township Board of Trustees incurred costs for services and notification in the amount of \$123.91;  
 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 \$827.91 to be placed on the property owner's tax duplicate.  
 Seconded by Mr. Giavasis.  
 Vote: Mrs. Bossart, yes; Mr. Leno, yes; Mr. Giavasis, yes.

- c. 2528 – 2530 43<sup>rd</sup> St. NW –

#05-315 Motion by Mrs. Bossart,  
 WHEREAS, the Plain Township Board of Trustees, Stark County, Ohio has given notice to the owner of property located at 2528 -2530 43rd Street NW (Parcel number #52-15810) to abate the nuisance on this property (Resolution #05-291) on June 14, 2005; and  
 WHEREAS, the Plain Township Board of Trustees provided for said abatement through the services of Plain Township Maintenance Department at a cost of \$204.00; and  
 WHEREAS, the Plain Township Board of Trustees incurred costs for services and notification in the amount of \$191.63;

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**ZONING DEPARTMENT:(continued)**

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 \$395.63 to be placed on the property owner's tax duplicate.

Seconded by Mr. Giavasis.

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

d. 1323 31<sup>st</sup> St. NE –

#05-316

Motion by Mrs. Bossart,

WHEREAS, the Plain Township Board of Trustees, Stark County, Ohio has given notice to the owner of property located at 1323 31st Street NE(Parcel number #52-09794) to abate the nuisance on this property (Resolution #05-294) on June 14, 2005; and

WHEREAS, the Plain Township Board of Trustees provided for said abatement through the services of Plain Township Maintenance Department at a cost of \$378.00; and

WHEREAS, the Plain Township Board of Trustees incurred costs for services and notification in the amount of \$88.37;

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 \$466.37 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. Vacant Lots 5,6,7 on 50th St. NW, 5000 Whipple Ave. NW, & 2.53 acres on Whipple Ave. NW –

#05-317

Motion by Mr. Leno,

WHEREAS, a public hearing was held on June 28, 2005 by the Board of Trustees regarding the property conditions at vacant lot # 5, 6, & 7 on 50th Street NW, 5000 Whipple Avenue NW & 2.53 acres on Whipple Avenue NW, Stark County, Ohio (Parcel #'s 52-02529, 52-02530, 52-02531, 52-15317, & 55-02008) and

WHEREAS, Soon Ho Kim, has failed to demonstrate satisfactory progress in correcting the violations at the above property; and

WHEREAS, the Plain Township Board of Trustees has provided the owner(s) of the property with notice and opportunity to be heard on this matter;

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

1. High grass and/or weeds constitutes 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. Notice of this decision will be provided to the property owners and any holders of liens of record thereon.

Seconded by Mr. Giavasis.

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

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**ZONING DEPARTMENT:(continued)**

b. 2944 Maple Ave. NE –

#05-318

Motion by Mr. Giavasis,  
WHEREAS, a public hearing was held on June 28, 2005 by the Board of Trustees regarding the property conditions at 2944 Maple Avenue NE , Stark County, Ohio (Parcel # 52-03034) and  
WHEREAS, Shawn & Karen Bachelor, have failed to demonstrate satisfactory progress in correcting the violations at the above property; and  
WHEREAS, the Plain Township Board of Trustees has provided the owner(s) of the property with notice and opportunity to be heard on this matter;  
NOW, THEREFORE, BE IT HEREBY RESOLVED by the Plain Township Board of Trustees, Stark County, Ohio that:  
1. High grass and/or weeds constitutes 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. Notice of this decision will be provided to the property owners and any holders of liens of record thereon.

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

c. 2521 44<sup>th</sup> St. NW –

#05-319

Motion by Mrs. Bossart,  
WHEREAS, a public hearing was held on June 28, 2005 by the Board of Trustees regarding the property conditions at 2521 44th Street NW , Stark County, Ohio (Parcel # 52-03382) and  
WHEREAS, Kathy Burt, has failed to demonstrate satisfactory progress in correcting the violations at the above property; and  
WHEREAS, the Plain Township Board of Trustees has provided the owner(s) of the property with notice and opportunity to be heard on this matter;  
NOW, THEREFORE, BE IT HEREBY RESOLVED by the Plain Township Board of Trustees, Stark County, Ohio that:  
1. High grass and/or weeds constitutes 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. Notice of this decision will be provided to the property owners and any holders of liens of record thereon.

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

d. 2342 Zircon St. NE –

#05-320

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 2342 Zircon Street NE, Stark County, Ohio (Parcel #52-12487) and  
WHEREAS, a certified notice providing the property owner with seven (7) days to address the matter with the Zoning Director was sent June 10, 2005 and returned "Unknown"; and

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**ZONING DEPARTMENT:(continued)**

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:

1. High grass and/or weeds constitutes 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.

e. 2618 31<sup>st</sup> St. NE –

#05-321

Motion by Mr. Giavasis,

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 2618 31st Street NE, Stark County, Ohio (Parcel #52-08220) and

WHEREAS, a certified notice providing the property owner with seven (7) days to address the matter with the Zoning Director was sent June 9, 2005 and returned "Unknown"; 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:

1. High grass and/or weeds constitutes a nuisance under Ohio Revised Code Section 505.87, and
2. Trash and/or debris constitutes a nuisance under Ohio Revised Code Section 505.87, and
3. The nuisance shall be abated, controlled, or removed according to the procedures outlined in ORC Section 505.87, and
4. 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 Mrs. Bossart.

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

f. 1401 33<sup>rd</sup> St. NE –

#05-322

Motion by Mrs. Bossart,

WHEREAS, a public hearing was held on June 28, 2005 by the Board of Trustees regarding the property conditions at 1401 33rd Street NE , Stark County, Ohio (Parcel # 52-03461) and

WHEREAS, Charles Colwell, has failed to demonstrate satisfactory progress in correcting the violations at the above property; and

WHEREAS, the Plain Township Board of Trustees has provided the owner(s) of the property with notice and opportunity to be heard on this matter;

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

1. Brush piles constitutes a nuisance under Ohio Revised Code Section 505.87 and

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**ZONING DEPARTMENT:(continued)**

- 2. Bushes exceed 3' in height in front yard constitutes a nuisance under Ohio Revised Code Section 505.87 and
- 3. The nuisance shall be abated, controlled, or removed according to the procedures outlined in ORC Section 505.87, and
- 4. Notice of this decision will be provided to the property owners and any holders of liens of record thereon.

Seconded by Mr. Leno.

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

g. Vacant lot #243 on Woodell Ave. NE –

#05-323

Motion by Mr. Giavasis,

WHEREAS, a public hearing was held on June 28, 2005 by the Board of Trustees regarding the property conditions at vacant lot #243 on Woodell Avenue NE , Stark County, Ohio (Parcel # 52-04678) and

WHEREAS, Bryan Gardner, has failed to demonstrate satisfactory progress in correcting the violations at the above property; and

WHEREAS, the Plain Township Board of Trustees has provided the owner(s) of the property with notice and opportunity to be heard on this matter;

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

- 1. High grass and/or weeds constitutes 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. Notice of this decision will be provided to the property owners and any holders of liens of record thereon.

Seconded by Mr. Leno.

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

h. 1331 Spangler Rd. NE – removed from agenda; grass was cut.

i. 4331 28<sup>th</sup> St. NE –

#05-324

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 4331 28th Street NE , Stark County, Ohio (Parcel #52-00107) and

WHEREAS, a certified notice providing the property owner with seven (7) days to address the matter with the Zoning Director was sent June 14, 2005 and returned "Unknown"; 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:

- 1. High grass and/or weeds constitutes a nuisance under Ohio Revised Code Section 505.87, and
- 2. Trash and/or debris constitutes a nuisance under Ohio Revised Code Section 505.87, and
- 3. The nuisance shall be abated, controlled, or removed according to the procedures outlined in ORC Section 505.87, and

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**ZONING DEPARTMENT:(continued)**

- 4. 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. Giavasis.

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

j. 1931 Broad Ave. NW –

#05-325

Motion by Mr. Giavasis,  
 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 1931 Broad Avenue NW, Stark County, Ohio (Parcel #52-03722) and  
 WHEREAS, a certified notice providing the property owner with seven (7) days to address the matter with the Zoning Director was sent June 15, 2005 and returned "Unknown"; 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:

- 1. High grass and/or weeds constitutes 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.

k. 6207 Hollydale Ave. NE –

#05-326

Motion by Mrs. Bossart,  
 WHEREAS, a public hearing was held on June 28, 2005 by the Board of Trustees regarding the property conditions at 6207 Hollydale Avenue NE, Stark County, Ohio (Parcel # 52-07455) and  
 WHEREAS, Jesse Childers Jr., has failed to demonstrate satisfactory progress in correcting the violations at the above property; and  
 WHEREAS, the Plain Township Board of Trustees has provided the owner(s) of the property with notice and opportunity to be heard on this matter;  
 NOW, THEREFORE, BE IT HEREBY RESOLVED by the Plain Township Board of Trustees, Stark County, Ohio that:

- 1. High grass and/or weeds constitutes 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. Notice of this decision will be provided to the property owners and any holders of liens of record thereon.

Seconded by Mr. Leno.

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

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**ZONING DEPARTMENT:(continued)**

l. 4701 Middlebranch Ave. NE –

#05-327

Motion by Mrs. Bossart,  
WHEREAS, a public hearing was held on June 28, 2005 by the Board of Trustees regarding the property conditions at 4701 Middlebranch Avenue NE , Stark County, Ohio (Parcel # 52-02771) and  
WHEREAS, John Demarco, has failed to demonstrate satisfactory progress in correcting the violations at the above property; and  
WHEREAS, the Plain Township Board of Trustees has provided the owner(s) of the property with notice and opportunity to be heard on this matter;  
NOW, THEREFORE, BE IT HEREBY RESOLVED by the Plain Township Board of Trustees, Stark County, Ohio that:  
1. High grass and/or weeds constitutes a nuisance under Ohio Revised Code Section 505.87 and  
2. Trash and/or debris constitutes a nuisance under Ohio Revised Code Section 505.87 and  
3. The nuisance shall be abated, controlled, or removed according to the procedures outlined in ORC Section 505.87, and  
4. Notice of this decision will be provided to the property owners and any holders of liens of record thereon.

Seconded by Mr. Giavasis.

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

m. 2542 Martha Ave. NE –

#05-328

Motion by Mr. Leno,  
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 2542 Martha Avenue NE, Stark County, Ohio (Parcel #52-15970) and  
WHEREAS, a certified notice providing the property owner with seven (7) days to address the matter with the Zoning Director was sent June 20, 2005 and returned "Unknown"; 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:  
1. High grass and/or weeds constitutes 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 Mrs. Bossart.

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

**ZONING DEPARTMENT:(continued)**

- 3. Waive Application Fees – Amendment #538 –

#05-329 Motion by Mr. Giavasis,  
 BE IT HEREBY RESOLVED by the Plain Township Board of Trustees,  
 Stark County, Ohio, to waive any and all Board of Zoning Commission  
 Application fees necessary for Amendment #538.  
 Seconded by Mrs. Bossart.  
 Vote: Mrs. Bossart, yes; Mr. Leno, yes; Mr. Giavasis, yes.

**PLANNING:**

- 1. Schedule Meetings to Review Revised Zoning Resolution – Mary Lee Sponseller went over the possibility of scheduling some meetings to review the revised Zoning Resolution. They will do that on Tuesday, July 19, beginning at 6:00 p.m. at a special work session. It was also discussed about inviting or asking the Zoning Boards to be present so that they may begin this process with questions and answers regarding the revised Zoning Resolution.

**COMMUNICATIONS:**

- 1. Stark County Commissioners – setting a meeting for requested road vacations. In particular, Joe Iacino had a question about the vacation of Lake Heights Boulevard, reducing the edge from 80 feet to 60 feet. He is going to ask Mr. Cozy to have the Stark County Engineer or someone stake that and also check to see what major utilities may be running under that area.
- 2. Stark County Commissioners – regarding the annexation of the B.P. gas station at East Maple into the City of North Canton. That will be discussed in executive session as well.

**CONCERNS OF CITIZENS:**

Mr. Bob Dasco, of 2554 Franciscan St. NE, asked when Middlebranch would be paved. He was instructed that Middlebranch was a county road. However, they are bidding it now, and it should be under construction in the near future. It will be done more rapidly because of a new process where they are actually bringing the material off of the road, mixing it with emulsions, and putting it right back down.

**APPROVAL OF MINUTES:**

#05-330 Motion by Mrs. Bossart,  
 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 June 2, 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 special meeting held June  
 2, 2005 as presented.  
 Seconded by Mr. Leno.  
 Vote: Mrs. Bossart, yes; Mr. Leno, yes; Mr. Giavasis, yes.

2600 Easton St. NE  
Canton, OH 44721

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**APPROVAL OF MINUTES:** (continued)

#05-331 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 June 14, 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  
June 14, 2005 as presented.  
Seconded by Mr. Giavasis.  
Vote: Mrs. Bossart, yes; Mr. Leno, yes; Mr. Giavasis, yes.

**EXECUTIVE SESSION:**

#05-332 Motion by Mr. Giavasis,  
BE IT HEREBY RESOLVED by the Plain Township Board of Trustees,  
Stark County, Ohio to adjourn to executive session at 8:04 p.m. from this  
regular meeting of June 28, 2005 as authorized under Ohio Revised Code  
121.22(G) for the purpose of the consideration of: the purchase of real,  
personal, tangible or intangible property; a conference with the law director  
or other retained counsel concerning pending or imminent court action.  
Seconded by Mr. Leno.  
Vote: Mrs. Bossart, yes; Mr. Leno, yes; Mr. Giavasis, yes.

#05-333 Motion by Mr. Giavasis to return to regular session at 8:58 p.m.  
Seconded by Mr. Leno.  
Vote: Mrs. Bossart, yes; Mr. Leno, yes; Mr. Giavasis, yes.

**ADJOURNMENT:**

#05-334 Motion by Mrs. Bossart,  
BE IT HEREBY RESOLVED by the Plain Township Board of Trustees,  
Stark County, Ohio to adjourn at 8:58 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