

2600 Easton St. NE  
Canton, OH 44721

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August 23, 05

### **WORK SESSION**

#### **ATTENDANCE:**

Pamela Bossart, Albert Leno, II, Claude W. Shriver, II, Mark Cozy, Steve Peroz.

The work session at was convened at 6:00 p.m. David Mangon was present to discuss Cherry Hill Villas. He did not make the deadline for the zoning change with his project and was asking that the Board initiate an R-2 zoning on behalf of himself and his wife for the Cherry Ridge development. He stated that this allotment would allow him 15 lots with single family homes of 10,000 to 12,000 square feet. Presently the zoning requires 15,000 square feet, so he is asking for R-2. He said that he will provide all of the necessary covenants and so forth. There was discussion about annexation to North Canton, which he said he did not initiate, but certainly from a business decision, that would be an option. The Board will get back to him in the near future with their decision. He was also advised that this would take up to two months before the zoning change would come before the Board again.

### **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, Sam Tuttle, Steve Peroz, John Sabo, Mary Lee Sponseller.

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

**AGENDA:** Zoning #3b was removed. Unfinished Business #2 -Chesham Road and #3 – Pickett St. Culvert were added.

#### **SHERIFF'S REPORT:**

Sgt. Stantz was present to give the quarterly report. He said that there had been a 3% decrease in calls for service. There was a 2.8% increase in incidents, a 3% increase in citations, and a decrease in accidents. Alarm calls were down. In the Detective Bureau, Detective Hostetler had 92 cases given to him and has closed 49 so far. It was also noted by Mr. Giavasis that 71,000 miles were driven on the cars for this quarter. Mr. Giavasis also asked that the odometer reading be given in the first part of the maintenance report for each vehicle so they can see what the mileage is per vehicle.

#### **UNFINISHED BUSINESS:**

1. Demington/Croydon – Mr. Cozy informed the Board that the County went out to do the right-of-way and it is a 30-foot right-of-way. The property owner also said that this is a problem sometimes pulling into their driveway. The Board and the Road Department are going to decide what to do and possibly remove this out of the area.

**7:15 P.M. PUBLIC HEARING – 29<sup>TH</sup> ST. NE SIDEWALK DISTRICT**

Mr. Williams explained the process to the Board and said that there had been a concern about setting precedents. He verified that each sidewalk district in the future could be examined on its own accord and it would never be an issue of precedents. Each one would be considered on its own. The percentage that the Township would take care of on this particular project could not determine the percentage on a future project.

In favor of the sidewalk project was Vince Falcone, of 922 29<sup>th</sup> St. NE. He said that he had talked to his fellow neighbors and that they felt that a 50/50 split between the Township and the neighbors, being paid back over four years as an assessment on their taxes, would be agreeable. Mr. Leno said that he was looking out for some people that that might be too expensive for and wanted to know if they could go out a little further and he favored possibly five years. The Township also said that they would absorb the cost of the two handicapped ramps at \$250 each.

#05-420

Motion by Mrs. Bossart,

WHEREAS, a petition to repair the sidewalk and curb in an unincorporated district in Plain Township was filed with the Plain Township Clerk on July 26, 2005, and was presented to the Plain Township Board of Trustees on July 26, 2005 (Resolution No. 05-360); and

WHEREAS, the petition was signed by owners of more than one-half of the lots and lands abutting on the streets and public ways of the aforesaid district; and the petition complied with the law according to Ohio Revised Code §5543.10; and WHEREAS, notice of a hearing before the Plain Township Board of Trustees on the petition for August 23, 2005 was duly and timely served on all lot owners and corporations affected by the proposed improvement, and was duly and timely published pursuant to Ohio Revised Code §5543.10 and according to law.

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Plain Township Board of Trustees, Stark County, Ohio to approve the petition for sidewalk and curb repair for 29th Street NE between Beverly Avenue and Gibbs Avenue; and

BE IT FURTHER RESOLVED by the Plain Township Board of Trustees, Stark County, Ohio to authorize the Plain Township Clerk to certify 50% of this cost as a special assessment to the property owners to the Stark County Auditor, to be spread equally over a five-year period, and to authorize Dickerson Construction Co. to perform these repairs per agreement.

Seconded by Mr. Leno.

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

**UNFINISHED BUSINESS:** (continued)

2. Chesham Road – Mr. Cozy said that he had a proposal for \$3,530.00 from Cooper & Associates to solve this flooding problem on Chesham. He also had a 1997 proposal that was \$4,100.00 and also one for \$6,250.00 to solve the area on the Graber property. This additional amount, \$3,530.00, will tie the former two studies together and will solve the problem of flooding on Chesham.
3. Pickett St. Culvert – Mr. Cozy discussed with the Board a problem with the Pickett St. Culvert. It has been looked at by the County. It is a County ditch. It needed cleaned, and as they were doing this, they realized that there are structures in the ditch. Mr. Giavasis asked what type of structures. It is mainly driveway culverts. Mr. Jeff Dutton, of the County, will be sending letters to those residents that have violated this and letting them know that the culverts are too small and need to be replaced. He indicated that he would keep the Board posted as to the progress.

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**NEW BUSINESS:**

1. False Alarms –

#05-421

Motion by Mrs. Bossart,  
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	#
Key Bank	3010 Whipple Ave. NW	4th
Schumacher Homes	2715 Wise Ave. NW	13th, 14th, 15th, 16th,17th
Fisher Foods	4403 Cleveland Ave. NW	8th
Schumacher Homes	2481 Wise Ave. NW	7th
Spee-D-Foods	3002 Market Ave. N.	8th and 9th
Rainbow Rentals	2122 Columbus NE	4th, 5th, 6th 7th, and 8th
Time Warner Cable	5520 Whipple Ave. NW	4th and 5th
Marathon Station	7960 Cleveland Ave. NW	15th
Rod Napier Investment	3939 Everhard Rd. NW	4th
Marie McKelvy	5412 Moss Wood Cir. NE	5th and 6th

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 Mr. Leno.

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

2. Newsletter –

#05-422

Motion by Mr. Giavasis,  
BE IT HEREBY RESOLVED by the Plain Township Board of Trustees, Stark County, Ohio, to authorize the printing and distributing of Issue 3, Fall 2005 of the Plain Township Newsletter by Pinnacle Press at a cost not to exceed \$5,500.00, to be paid from Fund #01-A-26E.

Seconded by Mrs. Bossart.

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

**NEW BUSINESS:** (continued)

- 3. Leaf Recycling – there was discussion on whether there should be an assisted site this year. Mr. Iacino said that there is a problem presently in that the contractor through the County is very slow on replacing the recycling bins at the sites and it is a real problem at Station #4. It was decided that we need to talk to the County and tell them that we will be possibly be bringing Earth N Wood in for assistance. Mr. Iacino said that he has talked to other townships and they are having problems as well. The Board agreed that we could not tolerate this, as our recycling program is so large and we could not have delays.

**CLERK’S REPORT:**

- 1. Pending Warrants –

#05-423 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 \$698,047.16 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. Regular Payroll –

#05-424 Motion by Mr. Leno,  
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. Giavasis.  
Vote: Mrs. Bossart, yes; Mr. Leno, yes; Mr. Giavasis, yes.

- 3. Payment of Medical Claims –

#05-425 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>
08/16/2005	EFT 50961	\$17,165.39
08/23/2005	EFT 51018	8,499.09

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

- 4. The Investment report was given and accepted by the Board. Mr. Shriver indicated that there was an investment made recently for only three months, as the rates are climbing up and he did not want to invest the money any longer, hoping for better interest rates in the very near future.

- 5. Transfer of Funds –

#05-426 Motion by Mr. Leno,  
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>AMO UNT</u>
09-A-12 – Insurance	09-A-10B – Contracts – School Resource Officer	\$3,44 6.47
01-B-06 – Equipment Purchases	01-B-05 – Maintenance Supplies	5,000 .00

Seconded by Mr. Giavasis.

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

**CLERK’S REPORT:** (continued)

6. Fire Loss Deposit Refund –

#05-427

Motion by Mrs. Bossart,  
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 on May 26, 2005 at 3838 Royal NE in the amount of \$9,000.00 payable to Larry Loveless as authorized by Tom McCallin, Captain, Bureau of Life Safety and Records.

Seconded by Mr. Giavasis.

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

**FIRE DEPARTMENT:**

1. Hall of Fame Special Duty –

#05-428

Motion by Mr. Leno,  
WHEREAS, Resolution #99-434 authorizes the Plain Township Fire Chief to institute a \$6.00 per hour volunteer firefighter special duty pay for any special duties he deems necessary; and  
WHEREAS, the Pro Football Hall of Fame Festival events attract large crowds during specific hours on specific dates;  
NOW, THEREFORE, BE IT HEREBY RESOLVED by the Plain Township Board of Trustees, Stark County, Ohio, to authorize payment for Hall of Fame special duty standby to the following people:

	Total Hours	Amount
Dan Rhodes	15.75	\$ 94.50
Tim Rice	7.00	42.00
Sean Venosdale	39.00	234.00
Randy Wilson	14.75	88.50

Seconded by Mr. Giavasis.

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

**ROAD DEPARTMENT:**

1. Speed Limits -

a. Windham St. NE (Hunters Ridge) –

#05-429

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 **Windham St NE between East Terminus and West 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 **55** 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.

**ROAD DEPARTMENT:** (continued)

b. Hunters Ridge Blvd. NE (Hunters Ridge) –

#05-430

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 **Hunter's Ridge Blvd NE between Orchard Trail and Windham**, 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 **55** 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.

c. Orchard Trail Rd. NE (Hunters Ridge) –

#05-431

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 **Orchard Trail Rd NE between West Terminus 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 **55** 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 Mrs. Bossart.  
 Vote: Mrs. Bossart, yes; Mr. Leno, yes; Mr. Giavasis, yes.

d. Hidden Brook St. NE (Hunters Ridge) –

#05-432

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 **Hidden Brook St NE between Orchard Trail and Big Spring**, 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 **55** mph is unrealistic:  
 NOW, THEREFORE, BE IT RESOLVED by the Plain Township Trustees of Stark County, Ohio that:

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**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.

e. Carriage Lane Ave. NE (Hunters Ridge) –

#05-433

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 **Carriage Lane Ave NE between South Terminus and North 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 **55** 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 Mrs. Bossart.

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

f. Candlestick Ave. NE (Hunters Ridge) –

#05-434

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 **Candlestick Ave NE between South Terminus and North 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 **55** 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.

g. Aspen St. NE (Hunters Ridge) –

#05-435

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 **Aspen St NE between South Terminus and North 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 **55** mph is unrealistic:

**ROAD DEPARTMENT:** (continued)

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 Mrs. Bossart.

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

h. Saddle Creek St. NE (Hunters Ridge) –

#05-436

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 **Saddle Creek St NE between West Terminus and Carriage Lane Ave**, 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 **55** 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.

i. Windgate Ave. NE (Hunters Ridge) –

#05-437

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 **Windgate Ave. NE between South Terminus and North 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 **55** 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.

j. Cold Stream Circle (Hunters Ridge) –

#05-438

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 **Cold Stream Circle between Big Spring NE and West 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



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**ROAD DEPARTMENT:** (continued)

WHEREAS, it is the belief of this Board that such investigation confirms the allegation that the statutory speed limit of **55** 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 Mrs. Bossart.

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

k. Carriage Lane NE (Hollow Ridge) –

#05-439

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 **Carriage Lane NE between Saddlecreek and Candlestick**, 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 **55** 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.

l. Candlestick Ave. NE (Hollow Ridge) –

#05-440

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 **Candlestick Ave. NE between South Terminus and North 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 **55** 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 Mrs. Bossart.

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

**ROAD DEPARTMENT:** (continued)

2. Purchase of Raincoats –

#05-441 Motion by Mrs. Bossart,  
BE IT HEREBY RESOLVED by the Plain Township Board of Trustees, Stark County, Ohio to authorize the purchase of raincoats from U.S. Safety Gear not to exceed an amount of thirteen hundred dollars (\$1,300.00) from Fund 4-A-5. Seconded by Mr. Giavasis.  
Vote: Mrs. Bossart, yes; Mr. Leno, yes; Mr. Giavasis, yes.

**ZONING DEPARTMENT:**

1. Set Public Hearing – Zoning Amendment 539 –

#05-442 Motion by Mr. Leno,  
WHEREAS, the Plain Township Zoning Commission conducted a public hearing on Zoning Amendment #539 on August 17, 2005; and  
WHEREAS, the Plain Township Zoning Commission is recommending APPROVAL of the proposed amendment; and  
WHEREAS, the Plain Township Zoning Commission is submitting such recommendation along with application, text, and map pertaining thereto to the Plain Township Board of Trustees within the required thirty days following it's public hearing; now  
BE IT HEREBY RESOLVED by the Plain Township Board of Trustees, Stark County, Ohio to set a public hearing for Zoning Amendment #539 on September 13, 2005 at 7:15 PM at the Plain Township Hall and to further instruct and authorize the Plain Township Clerk to prepare and publish notice of the public hearing in the Repository on Saturday, September 3, 2005. Seconded by Mr. Giavasis.  
Vote: Mrs. Bossart, yes; Mr. Leno, yes; Mr. Giavasis, yes.

**8:00 P.M. PUBLIC HEARING – ZONING AMENDMENT #538**

Dana Gammill, minister from the Cathedral of Life, was present to give a presentation on the present property owned by the church. He stated that their attorney did tell them that the proposed zoning change would devalue their property. He went over an existing map of the property owned. Mr. Giavasis suggested that the change be modified to S-1 on a portion of Tract #1 and on a portion of Tract # 2. Rev. Gammill agreed.

Others concerned were:

Diane Hinton, of 4320 38th St. She felt that there was nothing wrong with the B-2 zoning and that she would welcome the change of B-2 for her property.

Gary Stock, of Jackson Township, wanted to know why the Trustees did not send a letter regarding the proposed change. Mr. Cozy explained that we followed the law. The board said that in the future the proper signs would be place regardless of the law requirement. Mr. Williams, in defense of the Board, told Mr. Stock that the Board did continue this hearing and gave the property owners the time to come back, rather than go ahead and make the change, which they could have done.

Bishop Herschel Gammill, father of Dana, thanked the Township for the many years of cooperation.

#05-443 Motion by Mrs. Bossart,  
WHEREAS, a public hearing was held on August 9, 2005 and continued to August 23, 2005 by the Plain Township Board of Trustees to consider Amendment #538 to the Plain Township Zoning Resolution; and

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**8:00 P.M. PUBLIC HEARING – ZONING AMENDMENT #538 (continued)**

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 modify the recommendation of the Plain Township Zoning Commission, modification to be:

Parcels 52-18048, 52-80402, and 52-18371 to remain B-2

Parcel 52-18370 to change from B-2 to S-1

Parcel 52-18369 to change from R-1 to S-1

Seconded by Mr. Leno.

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

**ZONING DEPARTMENT: (continued)**

2. Certification and Payment of Nuisance Abatements –

a. 2547 Broad Ave. NW –

#05-444

Motion by Mr. Giavasis,

WHEREAS, the Plain Township Board of Trustees, Stark County, Ohio has given notice to the owner of property located at 2547 Broad Avenue NW (Parcel number #52-06582) to abate the nuisance on this property (Resolution #05-392) on July 26, 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 \$410.00; and

WHEREAS, the Plain Township Board of Trustees incurred costs for services and notification in the amount of \$164.73;

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 \$574.73 to be placed on the property owner's tax duplicate.

Seconded by Mrs. Bossart.

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

b. 2461 Regentview St. NE –

#05-445

Motion by Mrs. Bossart,

WHEREAS, the Plain Township Board of Trustees, Stark County, Ohio has given notice to the owner of property located at 2461 Regentview Street NE (Parcel number #52-09047) to abate the nuisance on this property (Resolution #05-393) on July 26, 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 \$264.00; and

WHEREAS, the Plain Township Board of Trustees incurred costs for services and notification in the amount of \$178.72;

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 \$442.72 to be placed on the property owner's tax duplicate.

Seconded by Mr. Leno.

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

**ZONING DEPARTMENT:** (continued)

c. Vacant Lot #2 – Market Ave. N. -

#05-446 Motion by Mr. Giavasis,  
WHEREAS, the Plain Township Board of Trustees, Stark County, Ohio has given notice to the owner of property located at vacant lot #2 on Market Avenue N (Parcel number #52-03091 to abate the nuisance on this property (Resolution #05-391) on July 26, 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 \$79.53;  
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 \$283.53 to be placed on the property owner's tax duplicate.  
Seconded by Mr. Leno.  
Vote: Mrs. Bossart, yes; Mr. Leno, yes; Mr. Giavasis, yes.

d. 7900 Cleveland Ave. NW –

#05-447 Motion by Mr. Leno,  
WHEREAS, the Plain Township Board of Trustees, Stark County, Ohio has given notice to the owner of property located at 7900 Cleveland Avenue NW (Parcel number #55-00037) to abate the nuisance on this property (Resolution #05-413) on August 9, 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 \$ 684.00; and  
WHEREAS, the Plain Township Board of Trustees incurred costs for services and notification in the amount of \$85.22;  
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 \$769.22 to be placed on the property owner's tax duplicate.  
Seconded by Mr. Giavasis.  
Vote: Mrs. Bossart, yes; Mr. Leno, yes; Mr. Giavasis, yes.

3. Nuisance Abatements –

a. 3312 Forestview St. NE –

#05-448 Motion by Mrs. Bossart,  
WHEREAS, a public hearing was held on August 23, 2005 by the Board of Trustees regarding the property conditions at 3312 Forestview Street NE, Stark County, Ohio (Parcel # 52-08976) and  
WHEREAS, Claris Graber, 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

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**ZONING DEPARTMENT:** (continued)

- 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.

b. 8101 Surbey Ave. NW – removed from agenda.

c. Vacant Lot #243 on Woodell Ave. NE –

#05-449

Motion by Mr. Giavasis,

WHEREAS, a public hearing was held on August 23, 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 Mrs. Bossart.

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

d. 6228 Melody Rd. NE –

#05-450

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 6228 Melody Road NE, Stark County, Ohio (Parcel #52-15232) and

WHEREAS, a certified notice providing the property owner with seven (7) days to address the matter with the Zoning Director was sent August 16, 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. Giavasis.

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

- 4. Waive Fees – Temporary Sign Permit – put on hold for further discussion, as directed by our Law Director.

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**COMMUNICATIONS:**

1. Glen Oak - thanks for borrowing a soccer goal from our community field.
2. Brenda Barley – a thank you concerning Joe Snyder for some help at the shelter at Alpine Park.
3. Time Warner Cable – announcing their amnesty program.
4. ODOT – a thank you letter written by Joe Iacino to the Ohio Department of Transportation for their help on State Route 43. Mr. Iacino also stated that he wanted to keep all lines of good communication open with ODOT and they have been a great help to his department.
5. Ohio Department of Natural Resources – regarding applications for oil and gas well drilling within the Township.
6. A.W. Barnes & Associates – a thank you from the owners of Strickland’s Ice Cream for the zoning change that allowed them to put up a sign helping their business.

**CONCERNS OF CITIZENS:**

Marlene Luyster, of 7814 Wareham Cir. NW, president of the Association for Villas at Bob-O-Link, asked that the Township assume Wareham Circle, which consists of twelve residences, and has curbs and sewer, mainly because they are tired of maintaining it. She was instructed that the Road Department would have to go out and verify the condition of the road to see if it meets their standards, and that they would get back to her.

Veronica Holly, of 5681 Bentler Ave. NE, is concerned about the problems near Breezewood, where there are some flooding problems. It has also been determined, according to Mr. Giavasis, who has visited the site, that there is a very severe sewage problem. She said that she had received a letter from the Health Department, who will be doing a smoke test in the area tomorrow, August 24, which will try to isolate and find out where this septic problem is coming from. She was also told that the Health Department would have areas of help for citizens that may have to replace their septic and have areas of possible financial aid for them to look into.

Brandon Rhodes, from Troop 10, was present. He is working on his Bear badge. He was welcomed to the meeting. Mr. Leno told him that he had received his Eagle scout badge, and told him to press on and continue the good work.

**UNFINISHED BUSINESS:** (continued)

#05-451 Motion by Mr. Giavasis,  
BE IT HEREBY RESOLVED by the Plain Township Board of Trustees, Stark County, Ohio, to authorize payment to Cooper and Associates in an amount not to exceed \$3,530.00 for additional engineering services with respect to the Chesham/Graber Storm Sewer Project, said payment to be made from Fund #01-A-28P.  
Seconded by Mrs. Bossart.  
Vote: Mrs. Bossart, yes; Mr. Leno, yes; Mr. Giavasis, yes.

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**APPROVAL OF MINUTES:**

#05-452 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 regular meeting held  
August 9, 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 August 9, 2005  
as presented.  
Seconded by Mr. Giavasis.  
Vote: Mrs. Bossart, yes; Mr. Leno, yes; Mr. Giavasis, yes.

**ADJOURNMENT:**

#05-453 Motion by Mr. Giavasis,  
BE IT HEREBY RESOLVED by the Plain Township Board of Trustees, Stark  
County, Ohio to adjourn at 8:57 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