

2600 Easton St. NE
Canton, OH 44721

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October 11, 05

WORK SESSION

ATTENDANCE:

Pamela Bossart, Louis Giavasis, Albert Leno, II, Claude W. Shriver, II, Mark Cozy, Mary Lee Sponseller.

President Giavasis convened the work session at 6:20 p.m. The Board continued its review of the Zoning text with Mary Lee Sponseller.

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, Don Snyder, Mary Lee Sponseller.
Media present: Natalie Lariccia, the Repository.

AGENDA: The agenda was presented. There were two additions under the Sheriff's Report regarding the parking of semi trucks on Pinetree, and 38th and Willowbrook speeding.

SHERIFF'S REPORT:

Mrs. Bossart said that she had had continued complaints from residents near 38th and Willowbrook for people cutting through and speeding on Willowbrook to avoid the new traffic light at Martindale and Middlebranch.

Also, the residents on Pinetree are still concerned about the parking of a semi tractor trailer cab in that area.

The Sheriff will look into both of these items.

UNFINISHED BUSINESS:

- 1. Stark Soil & Water Conservation –

Mr. Cozy introduced Julie Berbari, from the Stark Soil & Water Conservation District, who was present to talk about the soil and water conservation plan. We are considered to be an MS4. She went over the various criteria for the township's management plan and passed out existing plans for the Trustees to review. She also indicated that there is no funding in place right now to check on these demands from the EPA, but the Board will be kept abreast by Mr. Cozy for their future involvement, which is mandatory for the Soil and Conservation Act of 1988.

#05-501 Motion by Mrs. Bossart,
BE IT HEREBY RESOLVED by the Plain Township Board of Trustees, Stark County, Ohio, to authorize Mark Cozy, Administrator, to enter into the attached Mutual Agreement for Technical Assistance with the Stark County Soil & Water Conservation District.
Seconded by Mr. Leno.
Vote: Mrs. Bossart, yes; Mr. Leno, yes; Mr. Giavasis, yes.

UNFINISHED BUSINESS: (continued)

2. Ohio Division of Liquor Control – Legends – application okay, can be sent in.
3. Leaf Recycling – Mr. Iacino said that Kurtz Brothers had promised and guaranteed him that they will be able to keep up throughout our leaf recycling process this year. However, he does have a quote from Earth N Wood as a backup.
4. 29th St. Sidewalks – Mr. Williams stated that there are even and odd numbers involved which would mean two sides of the street, and he would like to hold this over until the next meeting to get a better handle on who the individuals are wishing to have the sidewalks replaced. This will not delay the process.
5. Pickett Street – Fry Ditch – there are two driveway culverts that need to be replaced between Applegrove and Pickett. Mr. Giavasis wanted to verify that this is a County ditch, and was upset that this has taken so long, and that the County has not taken part with any portion of the expense in replacing this. He indicated that the water over there had tested for being positive with the mosquito West Nile Virus, and we had to do something to get this taken care of. This is the first step in the design of that process.

#05-502

Motion by Mr. Giavasis,
BE IT HEREBY RESOLVED by the Plain Township Board of Trustees, Stark County, Ohio, to authorize CT Consultants to provide plans and specifications for the design of two replacement driveway culverts along the Fry Ditch between Applegrove Street and Pickett Street; and BE IT FURTHER RESOLVED by the Plain Township Board of Trustees, Stark County, Ohio, to issue payment to CT Consultants for the amount of \$5,300.00.
Seconded by Mrs. Bossart.
Vote: Mrs. Bossart, yes; Mr. Leno, yes; Mr. Giavasis, yes.

6. Proposed Zoning Amendment 541 – Agricultural Uses – Mr. Williams went over the agricultural uses. This would help to curtail the use of kennels and so forth within the Township. However, the Trustees want to wait until the next meeting to review this a little more and have some more discussion.
7. Proposed Zoning Amendment 542 – Accessory Uses –

#05-503

Motion by Mr. Giavasis,
BE IT HEREBY RESOLVED by the Plain Township Board of Trustees, Stark County, Ohio, to initiate application to the Plain Township Zoning Commission, through the Plain Township Zoning Director, for Zoning Resolution Text Amendment #541, and to waive any and all fees for same application.
Seconded by Mr. Leno.
Vote: Mrs. Bossart, yes; Mr. Leno, yes; Mr. Giavasis, yes.

NEW BUSINESS:

1. Change Meeting Date – the meeting date will be changed from November 8 to November 9.

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NEW BUSINESS: (continued)

- 2. Sanctuary Sanitary Sewer – Mr. Iacino said that he had talked to the people that were going to be doing the sewer at the Sanctuary, and there is going to be 400 to 500 feet torn up on Marquardt Avenue. It will be probably be torn up over winter, and he said that he told them we will have an inspector out there to make sure that this roadway is kept open during the project. He said that the estimated distance is from 7th Street north on Marquardt about 500 feet.

CLERK’S REPORT:

- 1. Pending Warrants –

#05-504 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 \$130,921.35 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 –

#05-505 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 –

#05-506 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>
10/04/05	EFT51206	\$6,703.07
10/11/05	EFT51211	8,102.48

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

- 4. The Financial report was given and accepted by the Board.

- 5. Set Public Hearing – Lexington Farms Lighting District –

#05-507 Motion by Mrs. Bossart,
BE IT HEREBY RESOLVED by the Plain Township Board of Trustees, Stark County, Ohio, to set a public hearing for Tuesday, October 25, 2005 at 7:15 p.m. for creation of a lighting district as petitioned by the property owners of Lexington Farms; authorize the Plain Township Clerk to make the necessary notification to the property owners and to publish a legal ad in the Repository of the hearing.
Seconded by Mr. Leno.
Vote: Mrs. Bossart, yes; Mr. Leno, yes; Mr. Giavasis, yes.

CLERK’S REPORT: (continued)

6. Transfer of Funds –

#05-508

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:

FROM	TO	AMOUNT
01-B-06 – Equipment Purchases & Replacement	01-B-08 – Other Expenses	\$2,000.00
09-A-14A – Auditor & Treasurers Fees	09-A-10K – Contracts - Canine	831.06
09-A-07 – Tools & Equipment	09-A-10K – Contracts - Canine	4,914.42
01-A-17 – Auditor & Treasurers Fees	01-G-03K – Contracts - Canine	528.67
28-A-05 – Tools & Equipment	28-A-06 - Supplies	5,000.00

Seconded by Mrs. Bossart.

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

ADMINISTRATOR:

1. The Computer Systems Manager Monthly Report was given; there were no questions. Mr. Cozy said that she is still trying to get our new server up and running.
2. Emergency Management Agency Authorization – put on hold to be revamped a little bit for the next meeting.
3. Plain Township K-9 –

#05-509

Motion by Mr. Leno,
BE IT HEREBY RESOLVED by the Plain Township Board of Trustees,
Stark County, Ohio, to authorize payment to the Stark County Sheriff’s
Department for K9 costs from October 1 through December 1, 2005 in
the amount of \$6,274.15; to be paid from Funds #09-A-10K and 01-G-
03K.

Seconded by Mrs. Bossart.

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

FIRE DEPARTMENT:

1. The Monthly Report was given; there were no questions.
2. Purchase of Cots –

#05-510

Motion by Mrs. Bossart,
BE IT HEREBY RESOLVED by the Plain Township Board of Trustees,
Stark County, Ohio, to purchase 3 Stryker patient cots from Stryker
EMS in an amount not to exceed \$11,000, from Account #28-A-05.

Seconded by Mr. Leno.

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

3. Purchase of Stair Chairs –

#05-511

Motion by Mr. Giavasis,
BE IT HEREBY RESOLVED by the Plain Township Board of Trustees,
Stark County, Ohio, to authorize the purchase of 3 stair chairs from
Stryker EMS in an amount not to exceed \$7,000.00 from Account
#28-A-05.

Seconded by Mrs. Bossart.

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

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FIRE DEPARTMENT: (continued)

4. Purchase of Hose & Equipment –

#05-512

Motion by Mrs. Bossart,
BE IT HEREBY RESOLVED by the Plain Township Board of Trustees, Stark County, Ohio, to authorize the purchase of hose and other equipment from All American Fire Equipment in an amount not to exceed \$4,500.00 from Account #10-A-08.
Seconded by Mr. Leno.
Vote: Mrs. Bossart, yes; Mr. Leno, yes; Mr. Giavasis, yes.

ROAD DEPARTMENT:

- 1. The Monthly Report was given; there were no questions.

ZONING DEPARTMENT:

- 1. The Monthly Report was given; there were no questions.
- 2. Payment & Certification of Nuisance Abatements –
 - a. 2104 40th St. NW –

#05-513

Motion by Mrs. Bossart,
WHEREAS, the Plain Township Board of Trustees, Stark County, Ohio has given notice to the owner of property located at 2104 40th Street NW (Parcel number #52-10704) to abate the nuisance on this property (Resolution #05-472) on September 13, 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 \$ 208.00; and
WHEREAS, the Plain Township Board of Trustees incurred costs for services and notification in the amount of \$190.71;
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 \$398.71 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. 2311 Clarendon Ave. NW –

#05-514

Motion by Mr. Leno,
WHEREAS, the Plain Township Board of Trustees, Stark County, Ohio has given notice to the owner of property located at 2311 Clarendon Avenue NW (Parcel number #52-00654) to abate the nuisance on this property (Resolution #05-496) on September 27, 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 \$ 396.50; and
WHEREAS, the Plain Township Board of Trustees incurred costs for services and notification in the amount of \$80.80;
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 \$477.30 to be placed on the property owner's tax duplicate.
Seconded by Mrs. Bossart.
Vote: Mrs. Bossart, yes; Mr. Leno, yes; Mr. Giavasis, yes.

ZONING DEPARTMENT: (continued)

- 3. Nuisance Abatement – 5001 Orchardale Dr. NW –

#05-515

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 5001 Orchardale Drive NW Stark County, Ohio (Parcel # 52-07440) and
 WHEREAS, a certified notice providing the property owner with seven (7) days to address the matter with the Zoning Director was sent September 26, 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 Mr. Leno.
 Vote: Mrs. Bossart, yes; Mr. Leno, yes; Mr. Giavasis, yes.

PARKS & RECREATION:

- 1. The Monthly Report was given; there were no questions.
- 2. Purchase of Grass Seed –

#05-516

Motion by Mr. Leno,
 BE IT HEREBY RESOLVED by the Plain Township Board of Trustees, Stark County, Ohio, to authorize the purchase of grass seed from BesTurf Seed for the amount of \$2,115.00, to be paid from Fund #14-A-05B.

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

PLANNING:

- 1. The Monthly Report was given; there were no questions.

COMMUNICATIONS:

- 1. Stark County Commissioners – a letter regarding the vacation of roadways, a portion of Beverly NE and Stone Crossing St. NE.
- 2. Stark County Commissioners – a letter regarding the release of roadways to the Township, which would amount to about one-quarter of a mile, Birchbark, Canter Hill Circle, and Longfellow St., all located in Lexington Farms Development #1.

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COMMUNICATIONS: (continued)

3. Nimishillen Township Trustees – a letter in opposition to a well drilling in the Glenhaven Allotment.

CONCERNS OF CITIZENS:

Thomas Julian, of 1091 Ivy St., said that there are now four churches in his immediate residential area. It is becoming like a second strip area. He said that there is speeding, school buses are going 35 m.p.h. and making a half turn in the middle of the road, letting children out, and it is just a matter of time until someone is going to go around the bus. There is a lot of heavy traffic. That was his first concern. Secondly, his concern was for water and sewer. His home is located approximately 500 feet away from the hook-up for water and sewer. He was told by someone to get his own architect, engineer, etc. He would like to have both. However, he said the new church is getting both and would not cooperate with he or his neighbors in getting together to get the water and sewer brought to his house. Mr. Leno pointed out that many allotments, such as Lawr-Chester, Laurel Ridge, and Pembroke, had petitions circulated and turned down water time and time again. He did say, as well as the other Board members, that they would do anything they had to do to try to assist him in getting water and sewer to his house. He also had a concern about an old gas well on the rear lot near his property and feels that there is gas affecting his well because of the effervescence and air in his water when it comes out of the taps.

Roxanne Eibel, of 5726 Breezewood Dr. NE, was present to present pictures to the Board for the flooding and the sewage problems she has near her home. Mr. Iacino said that this was sent out for design, and the survey is started. She was assured by the Board that these problems would be alleviated once this project is underway. Her home sits below any of the drainage pipes that are located in that area.

Tom Newell, of 5965 Linder Circle, was present. He is a candidate for township trustee and was asking Mr. Giavasis various questions regarding the Cherry Hill Allotment, and also was talking about a conflict of interest with the fact that Mr. Giavasis' father-in-law is on the Zoning Board. Mr. Giavasis asked our present law director, Mr. Williams. He said that he has not found any legal reason to feel that there is a conflict of interest. Mr. Giavasis also pointed out that there were several times that he voted against what his father-in-law had voted for, regarding zoning issues.

Mr. Stewart was present to compliment the Board in their interaction with the County in getting Middlebranch repaved.

APPROVAL OF MINUTES:

#05-517

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 September 27, 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 September 27, 2005 as presented.
Seconded by Mr. Leno.
Vote: Mrs. Bossart, yes; Mr. Leno, yes; Mr. Giavasis, yes.

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EXECUTIVE SESSION:

#05-518 Motion by Mr. Giavasis,
BE IT HEREBY RESOLVED by the Plain Township Board of Trustees,
Stark County, Ohio to adjourn to executive session at 8:49 p.m. from
this regular meeting of October 11, 2005 as authorized under Ohio
Revised Code 121.22(G) for the purpose of the consideration of:
preparing for, conducting or reviewing negotiations or bargaining
sessions with public employees.
Seconded by Mrs. Bossart.
Vote: Mrs. Bossart, yes; Mr. Leno, yes; Mr. Giavasis, yes.

#05-519 Motion by Mrs. Bossart to return to regular session at 9:25 p.m.
Seconded by Mr. Giavasis.
Vote: Mrs. Bossart, yes; Mr. Leno, yes; Mr. Giavasis, yes.

ADJOURNMENT:

#05-520 Motion by Mrs. Bossart,
BE IT HEREBY RESOLVED by the Plain Township Board of Trustees,
Stark County, Ohio to adjourn at 9:26 p.m.
Seconded by Mr. Leno.
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